

**CALENDAR ITEM
C61**

A 26

08/19/15

PRC 8079.9

S 8

D. Simpkin

CONSIDER AMENDMENT OF LEASE

LESSEE/APPLICANT:

City of Los Angeles
Department of Water and Power
111 North Hope Street
Los Angeles, CA 90012

EXISTING LEASE AND PROPOSED AMENDMENT:

On June 14, 1999, the Commission authorized the issuance of Lease No. PRC 8079.9, a General Lease – Public Agency Use, to the City for a period of 20 years, for the Owens Lake South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System. Since that time, the Commission has authorized 15 amendments to the lease for the construction, operation, and maintenance of additional components of dust control. Exhibit E provides a summary of these amendments. The consideration for the lease is the public health and safety, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

The City has submitted an application to amend Lease No. PRC 8079.9 in support of the Owens Lake Dust Control Project Phase 9 and 10 (Phase 9/10). The Phase 9/10 project consists of 3.6 square miles of new dust control in 17 Dust Control Areas and 1.8 square miles of transitional dust controls in one existing Dust Control Area (T18S).

THE PUBLIC TRUST DOCTRINE:

As the Legislature's delegated trustee over the State's sovereign lands and resources at Owens Lake (Lake), the State Lands Commission has the responsibility to manage the dry lakebed in the best interests of the State and consistent with the common law public trust doctrine, taking care to protect the identified public trust resources and values. For years, the City has been diverting water from Owens Lake, which has forever changed and almost eliminated the public trust resources at Owens Lake. However, since the City began implementing dust control measures at Owens Lake with shallow flooding and managed vegetation, the bird population of the Lake has increased significantly. The identified public trust resources at Owens Lake include wildlife

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habitat, public access, recreation, and aesthetic enjoyment among others.

The discretionary action to be taken by the Commission on the proposed amendment is ultimately a policy decision taking into account all relevant factors in determining whether the proposed project is in the State's best interests. Each time the Commission takes action to approve or reject a project, it is exercising its authority and responsibility as trustee of the State's public trust lands as authorized by law (Public Resources Code sections 6301 and 6216).

BACKGROUND:

Owens Lake is located in southwest Inyo County, approximately 200 miles north of Los Angeles. Owens Lake was a natural and navigable waterway at the time of California's statehood and is thus sovereign land of the State. The Lake covered approximately 110 square miles and was 50 feet deep in places. Wildlife, waterfowl, and the nearby residents depended on and benefited from Owens Lake. Early settlers diverted water from the Owens River to grow crops and irrigate pasture for livestock, and steamboats carried cargo across the Lake.

In 1908, the City of Los Angeles (City) commenced construction of an aqueduct to divert water from the Owens River north of Owens Lake. After completion of the Los Angeles Aqueduct in 1913, the lake level rapidly declined. By 1930, the Lake was virtually dry with only a small brine pool remaining.

The diversion of water led to dust storms carrying away as much as four million tons (3.6 million metric tons) of dust from the lakebed each year, causing respiratory problems for residents in the Owens Valley. The United States Environmental Protection Agency (U.S. EPA) designated the southern part of the Owens Valley as a Serious Non-Attainment Area for PM₁₀. PM₁₀ is an abbreviated reference for suspended particulate matter (dust) less than or equal to 10 microns in mean aerodynamic diameter (approximately 1/10 the diameter of a human hair). The Great Basin Unified Air Pollution Control District (District) subsequently designated the Non-Attainment area as the "Owens Valley PM₁₀ Planning Area."

The District determined that dust emissions from the dry lakebed of Owens Lake are responsible for causing the air in the Owens Valley PM₁₀ Planning Area to exceed the PM₁₀ national ambient air quality standards and that water diversions by the City caused Owens Lake to become dry and the lakebed to be in a condition that produces dust. The District has the authority to issue orders, known as Supplemental Control Requirements Determinations, to the City for dust control purposes.

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On December 30, 2014, the Sacramento Superior Court approved a Stipulated Judgment in Case No. 34-2013-80001451-CU-WM-GDS (Stipulated Judgment) against the City which settled a number of issues related to dust control on Owens Lake. The Stipulated Judgment requires the City to complete Phase 9/10 by December 31, 2017. Upon completion, a total of 48.6 square miles of dust control will be in place. As a contingency, the District may order the City to implement an additional 4.8 square miles of dust control at any time after January 1, 2016. Neither the Commission nor the California Department of Fish and Wildlife are a party to the Stipulated Judgment, and are, therefore not bound by it.

PROPOSED PROJECT:

The City is requesting an amendment to the Lease to authorize the construction, use, and maintenance of 3.62 square miles of new dust control in 17 Dust Control Areas (DCAs); transition of 1.8 square miles of existing shallow flooding in one DCA (T18S) to gravel cover with ponds; and construction of drainage management unit pump stations, lateral control valve facilities, pipe outfalls, berms and access roads, rip-rap to improve existing berms, and sub-mains to convey water from T2-1 to Duck Pond-L1 and C2-L1 in support of Owens Lake Dust Control Project (OLDCP) Phase 9/10. The project as proposed includes the following:

- Shallow Flooding in cells T37-2-L4, T37-2-L3, T37-2-L2, T10-1-L1 and T37-2-L1;
- Gravel cover in cells T17-2-L1, T21-L2, T21-L1, T35-2-L1, T37-1-L1, T32-1-L1, T10-3-L1, T21-L3, T21-L4 and Duck Pond-L2;
- Managed Vegetation in cells Duck Pond-L1, and C2-L1;
- Conversion of T18S (shallow flooding) to shallow flooding (ponds) and gravel.

STAFF ANALYSIS:

Commission staff evaluated the Phase 9/10 project during its review of the Environmental Impact Report (EIR) prepared by the City pursuant to the California Environmental Quality Act (CEQA), and submitted a comment letter on March 30, 2015. Commission staff is concerned about two main components of the proposed Phase 9/10 project – the application of gravel cover on ten new cells and the transition from shallow flooding in cell T18S.

Impacts from Application of Gravel Cover

The Phase 9/10 project includes a significant amount of Gravel Cover as a dust control measure. Ten cells totaling 1,809 acres—about 2.83 square miles— will be completely covered by gravel, possibly forever. The Commission has previously determined that placement of gravel cover on the Lake does not protect or promote its public trust uses and values.

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The Commission first approved the large-scale application of gravel cover, 2.03 square miles, with the Phase 8 project. To mitigate for the loss of potential enhancement of public trust values on the 2.03 square miles of Owens Lake, the City was required to make a deposit of \$500,000 into the Kapiloff Land Bank Fund for the acquisition, management, maintenance and improvement of real property located adjacent or within the bed of Owens Lake for the Public Trust purposes of ecological preservation, open space, wildlife habitat and public access.

After approving the Phase 8 project, the City proposed the Phase 7a project that also included a significant amount of gravel cover; however, the gravel cover was integrated into a mosaic of shallow ponds and managed vegetation to improve the dust control project's aesthetic values, incorporate public access amenities such as trails and overlooks, and to implement the newly developed Habitat Suitability Model (HSM) as a guide to maintaining and enhancing habitat. The Commission approved the Phase 7a project with specific requirements for monitoring and adaptive management to make sure it lived up to its promise.

The proposed Phase 9/10 project, while ostensibly using the HSM to maintain habitat values, has not incorporated the mosaic concept used in the Phase 7a project, except for the transition of one of the largest cells on the lakebed, T18S (1,166 acres or 1.82 square miles), currently using the shallow flood Best Available Control Measure. The proposed transition of cell T18S, discussed below in detail, will result in 651 acres of shallow flood and 515 acres (.8 square miles) of gravel cover. Together with the application of gravel cover on the ten new cells, the total amount of gravel cover proposed in the Phase 9/10 project is 2,324 acres or approximately 3.63 square miles. If the Phase 9/10 project is approved as proposed, the total amount of gravel authorized by the Commission for all dust control projects on the Lake will be 7.6 square miles.

Potential Habitat Impacts at T18S

In proposing the Phase 9/10 project, the City indicated that it intended to transition existing DCA T18S from shallow flooding to a combination of shallow flooding and gravel cover, as a means of offsetting the approximately 1,778 AF/yr that would be required to implement dust control on the 17 new DCAs. This would also meet the City's stated objective that the project be "water neutral." T18S is approximately 1,166 acres in size (1.8 mi²) and possesses extremely significant biological value for four of the six bird guilds¹ that use the Lake. In the EIR, the City stated that the habitat value of T18S would be maintained by

¹ The guilds are: diving waterbird, breeding waterfowl, migrating waterfowl, breeding shorebird, migrating shorebird, and alkali meadow.

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constructing and managing T18S consistent with the Habitat Suitability Model (HSM) that the City developed for the Lake.

The HSM was developed as a tool that measures multiple parameters thought to be important indicators of habitat value, including water depth, water salinity, and water availability, to estimate the ability for the habitat to support one or more of the bird guilds occurring on the Lake, and assign a "Habitat Value" number. In 2010, the City used the HSM to calculate the Habitat Value of each existing DCA on the Lake – this became the baseline. In the Phase 9/10 EIR, the City used the HSM to show that the Habitat Value of T18S could be maintained while reducing water use by converting T18S to approximately 651 acres of shallow flooding and 515 acres of gravel cover, when managed in accordance with the HSM.

Commission staff is concerned about the transition of T18S for the following reasons:

HSM Validation

Commission staff remains concerned that the HSM has not yet been validated based on measurements and observations specific to the Lake. It is important to note that the HSM was based on similar models developed for other areas, and may need to be refined and/or adjusted over time. Part of HSM validation, using several years of data collection, is to observe whether design assumptions are proven correct in practice. For example, the HSM assumes that the creation of gravel islands of a particular size within larger ponds has a measurable benefit. Without collecting and analyzing the observational data, however, it will not be known whether that benefit exists, or whether it is harmful, for instance by creating a way for predators like ravens to access nests/chicks. The model validation will also provide additional information on how large of a ponded area is really needed or preferred by the target bird guilds. There have been 5 years of data collection since the HSM was first used on the Lake and that data can be used to evaluate to what extent the calculated model values accurately predict habitat value (confirmed, ultimately, by bird use), and what modifications may need to be made. Additional data for model validation and refinement should be collected from the DCAs associated with Phase 7a, which authorized transition of 3.15 square miles of shallow flooding to a combination of shallow flooding and gravel cover.

Staff believes it is critical to evaluate the HSM to determine if it is working as intended prior to transition of large areas of the Lake, particularly to highly permanent forms of dust control like gravel cover. As stated above, the HSM validation has not yet occurred, and staff has repeatedly cautioned the City against widespread reliance on the HSM when converting significant portions of the Lake prior to such validation. Commission staff recognized this growing risk

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and concern when evaluating the City's application for Tillage with BACM Backup, and incorporated Lease provision 2(c) into that Lease amendment, which states "*the District has ordered dust controls on an additional 3.62 square miles of the dry lake bed and is monitoring another 1.92 square miles for emissiveness. Should Lessee become responsible to mitigate the dust on these or any other new areas through agreement or court order, Lessee agrees to integrate them into the Master Project planning process.*" Staff understands that the City is in the process of contracting an independent entity to conduct the HSM validation; however, it is not known when the results of that study will be available.

Monitoring and Adaptive Management

While the City states in the Phase 9/10 EIR that a monitoring and adaptive management process will be followed to ensure maintenance of habitat values, that process does not contain specific dates for completion of the HSM validation or the Habitat Value Acre (HVA) "review," does not contain a specific process for development, review, and approval of any proposed modifications to the HSM, and does not contain remedial actions or replacement mitigation formulas in the event habitat fails to meet the expected performance level over the long-term. This type of contingency is critical considering the large areas of the Lake that are being converted or proposed for conversion to highly permanent methods like gravel. Furthermore, the City has not demonstrated to staff's satisfaction that successful habitat value maintenance would, in fact, even be feasible using alternate mitigation strategies on the Lake or replacement habitat offsite, should the HSM fail to meet performance criteria.

Staff is particularly concerned that the transition or proposed transition of large areas of shallow flooding to less water intensive methods, relying on the HSM to conclude that habitat value would be maintained, has outpaced the City's efforts to validate (and modify if appropriate) the HSM and develop a specific, enforceable habitat monitoring and adaptive management protocol for Commission staff's review and approval. This is critical in light of the fact that the transition areas rely on highly permanent alterations to the Lake, primarily via the placement of gravel cover, which would not be easy to return to shallow flooding. Recognizing the importance of these components to ensuring the successful performance of the habitat value maintenance commitment, the Commission included several requirements relating to monitoring protocols, HSM validation, and adaptive management in prior lease amendments for Lease No. 8079.9 – specifically the fourteenth (Phase 7a) and fifteenth (TWBB) amendments. These projects are currently being constructed, or have been completed, and the required submittal dates for these documents have passed. To date, however, staff has not received the habitat monitoring protocol required as part of the Phase 7a amendment or the adaptive management plan/remediation protocol

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required as part of the TWBB amendment. Staff recommends that no further transition of shallow flood be authorized until these compliance deficiencies are corrected by the City, as such transition places important public trust resources at unacceptable risk absent the additional assurance that would be provided by a robust, measureable, enforceable adaptive management plan.

T18S Value

T18S is one of the largest DCAs and has one of the highest bird species richness and abundance rankings on the Lake, with reported fall average around 43 different species and total abundance numbers around 10,500 individuals. It appears from the City's own avian survey data collected on the Lake that there are many other DCAs of lower value, both in terms of species richness and abundance. Since the HSM has not yet been validated, Commission staff believes that if DCAs need to be transitioned to less water intensive uses, these lower value DCAs should be transitioned before T18S. Commission staff believes that the potential loss of these public trust resources, should Habitat Value maintenance not be achieved, outweighs the potential water savings from the project.

Water Use on the Lake

California is facing one of the most severe droughts on record. The current drought has resulted in observations of new, record-high temperatures and record low snowpack for California. The City has stated that it must significantly reduce its delivery of water to the Lake for dust control in order to meet its expected delivery demands in the years to come. With that in mind, it has proposed reducing overall water use on the Lake by at least 50 percent through implementation of the Owens Lake Master Project (Master Project).² The City has also stated that each project it proposes prior to completion of the Master Project process must be "water neutral" or reduce overall use. Commission staff notes that when originally proposed in 2013, the City based the 50 percent reduction target on an estimated delivery of 95,000 acre-feet per year (AF/yr) to the Lake for dust control, although that amount was not documented as ever having actually occurred. Despite implementation of a number of additional dust control projects on the Lake since that time, the reported annual water use on the Lake has decreased significantly (see **Table 1**, below) with only 60,700 AF projected for the 2015-2016 water year.

² The City released the Notice of Preparation for an EIR for the Master Project on June 23, 2015.

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Table 1. Owens Lake Water Use

Year	Amount (AF/Yr)	Source
2013 Master Project	95,000	LADWP press release and concept presentation
2015 Master Project	80,500	NOP 6/2015
2013	80,500	Phase 9/10 EIR
2014-2015	53,700	April 2015 draft Operations Plan and Owens Valley Report
2015-2016	60,700	April 2015 draft Operations Plan and Owens Valley Report

Also, in cooperation with the City, the Commission has approved several projects that meet the City's stated need to conserve water on the Lake, including Phase 8 (gravel cover), Phase 7a (allowed transition of shallow flood to hybrid), and Tillage with BACM backup. In addition, Commission staff is currently evaluating the City's proposed Variance³, which would further reduce water use on the Lake. Table 2, below, summarizes the potential or projected water savings from approved projects and projects being considered, along with the potential water "cost" of the Phase 9/10 project without the transition of T18S.

Table 2. Owens Lake Water Savings

Project	Projected water savings	Projected water increase
TWBB (2014)	8,500	
Variance (proposed)	7,200-9,000	
Variance (partial)	2,800-4,300	
Ph 9/10 (with T18S)	283	
Ph 9/10 (without T18S)		1,778

STAFF RECOMMENDATION:

Based on the analysis above and the potential harm to important public trust resources, Commission staff recommends that the Commission authorize the proposed Phase 9/10 project as proposed by the City, excluding the transition of T18S. Staff recommends that the transition of T18S as proposed by the City be postponed pending, at a minimum, the outcome of the Habitat Suitability Model

³ Approved by the Great Basin Unified Air Pollution Control District on July 22, 2015, the Variance would allow the City to save water by delaying the application of shallow flood on approximately 25 DCAs from September until January.

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validation. Staff believes T18S and any additional proposals for transition of current shallow flood DCAs must be integrated into the Master Project and be associated with a clearly defined, enforceable, and feasible adaptive management and remedial action plan in order to ensure public trust resources and values are protected.

To mitigate for the loss of potential enhancement of public trust values on the 2.83 square miles of Owens Lake to be covered by gravel and in consideration for the granting of this Lease Amendment, staff recommends that the City be required to deposit \$700,000 into the Kapiloff Land Bank Fund for any lawful purpose related to Owens Lake or adjacent real property, pursuant to the Kapiloff Land Bank Act, Public Resources Code sections 8600 et seq.

ALTERNATIVE AUTHORIZATION:

1. Should the Commission determine that the City's proposed Phase 9/10 Project, including the transition of T18S, is in the best interests of the State, an alternative authorization to staff's recommendation includes authorizing the amendment of Lease No. PRC 8079.9, a General Lease – Public Agency Use, to amend the Land Use or Purpose, the Authorized Improvements, the Special Provisions, and the Land Description as described herein to authorize the construction, use, and maintenance of 3.6 square miles of dust control in 17 Dust Control Areas, including Shallow Flooding, Managed Vegetation and Gravel Cover, including the transition of T18S, and the construction, use and maintenance of drainage management unit pump stations, lateral control valve facilities, pipe outfalls, berms and access roads, rip-rap to improve existing berms, and new sub-mains to convey water from T2-1 to Duck Pond-L1 and C2-L1, as described in Exhibit A and shown on Exhibit B-2 (for reference purposes only) attached and by this reference made a part hereof; and delegation to the Commission's Executive Officer to review and approve the transfer of title or control of archaeological artifacts and paleontological resources; with the additional specific terms numbered 2 through 6 below; all other terms and conditions of the lease will remain in effect without amendment.
2. Lessee shall construct and maintain Dust Control Area T18S as described in Section 4.3.5.2 of the Environmental Impact Report prepared for the Owens Lake Phase 9/10 Dust Control Measures Project and certified by the Lessee on June 2, 2015, including the construction and maintenance of a minimum of 1.02 square miles of shallow flood comprised of two shallow (315 and 85 acres) and two deep (125 and 126 acres) permanent ponds.

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3. Lessee shall further ensure that T18S is managed to maintain habitat values as described in the *Supplemental Control Requirement Determination 2011 and 2012 Dust Control Measures Projected Habitat Value* Report dated November 2014. To accomplish this, Lessee shall develop and submit to Lessor's staff for approval an Adaptive Management Plan that describes, at a minimum, a proposed habitat monitoring protocol to evaluate post-construction performance, specifically, maintenance of habitat values, of T18S and a remediation protocol to ensure that any deficiencies in expected post-implementation habitat values are corrected. The remediation protocol will be triggered in the event the Habitat Value Acres (HVA) in T18S are measured to be more than 10 percent below the projected values after 3 years of monitoring (December 2020). The Adaptive Management Plan shall further describe replacement habitat to be provided by Lessee should T18S not meet the identified performance standard (i.e., maintenance of habitat values), as measured by both the Habitat Suitability Model and actual habitat use by the target guilds, within 5 years of implementing corrective actions pursuant to the remediation protocol. The Adaptive Management Plan shall incorporate to the maximum extent practicable the monitoring and adaptive management guidelines described in Chapters 6.5 and 6.6 of the *Owens Lake Master Plan – Planning Committee Review Draft* (December 2011). Lessor staff's review and approval of the Adaptive Management Plan shall not be unreasonably withheld.
4. Lessee shall conduct an HVA review to confirm predicted habitat impacts. As part of this review, the 2013 HVA (baseline) will be compared with post-transition actual HVA for each guild. The HVA review will also incorporate the results of the Habitat Suitability Model validation required pursuant to the Phase 7a Project. The validation is being conducted to determine if the identified parameters are effectively providing habitat for target guilds. Modifications in the HSM identified during the Phase 7a validation will be incorporated into future HVA reviews for the Phase 9/10 Project.
5. Lessee shall fund an independent third-party organization that will monitor the effects of on bird habitat of the T18S transition. In addition, the independent monitor will review the Lessee's HSM validation, the Adaptive Management Plan, and the annual reports, and provide recommendations to Lessor and Lessee that could be incorporated into future adaptive management actions. The selection of the third-party consultant shall be approved by Lessor's staff.

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6. To mitigate for the loss of potential enhancement of public trust values on the 3.83 square miles of Owens Lake to be covered by gravel, the City shall make a deposit into the Kapiloff Land Bank Fund in the amount of \$900,000 for any lawful purpose related to Owens Lake or adjacent real property, pursuant to the Kapiloff Land Bank Act, Public Resources Code sections 8600 et seq.

Commission staff believes the benefits to the State resulting from the required lease provision—the deposit of funds into the Kapiloff Land Bank Fund—would offset the loss of public trust values from implementation of the Phase 9/10 project and therefore recommends the alternative authorization as a viable option, if the Commission does not elect the staff recommendation.

SPECIFIC LEASE PROVISIONS:

Section 2, Special Provisions of the Lease would be amended to include, but not be limited to, the following, regardless of what option the Commission authorizes:

- a) Lessee shall comply with the Mitigation Monitoring and Reporting Program described in Exhibit C for the Owens Lake Phase 9 and 10 Dust Control Measures Project adopted by Lessor except as modified by specific provision of this Lease Amendment. In the event of any conflict between the provisions of the Mitigation Monitoring and Reporting Program and this Lease Amendment, the provision of the Lease Amendment shall prevail.
- b) Lessee shall be responsible for reimbursing all of Lessor's reasonable staff expenses, not to exceed \$100,000, incurred by Lessor and its staff for ensuring compliance with all terms and conditions of the Lease Amendment including but not limited to the Mitigation Monitoring and Reporting Program.
- c) Lessee acknowledges that Lessor's approval and issuance of this Lease Amendment for the placement of gravel as a dust control measure on the Owens Lake bed is no assurance that future use of gravel cover would be allowed on sovereign lands of the Owens Lake bed. Lessee acknowledges that it is Lessor's position that placement of gravel cover on the Lake bed does not protect or promote its public trust uses and values and that any future request for the placement of gravel cover on Owens Lake is subject to further evaluation by the Lessor on a case-by-case basis, as with any other project, taking into account all relevant factors, including other components of the project that may enhance public trust uses and values, in determining whether the project is in the best interests of the State: each time the Commission takes action to approve or reject a project it is exercising its

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authority and responsibility as trustee of the State's Public Trust lands as authorized by law (Public Resources Code section 6301 and 6216).

- d) Lessee shall comply with the following with respect to archaeological surveys, cultural and paleontological resources, and human remains:
 - i) Artifacts collected from the Lease Premises shall remain State property until further action by the Lessor's Executive Officer. Lessee will request the transfer of title or control of artifacts collected from sites determined eligible to the National Register of Historic Places or the California Register of Historical Resources, or that qualify as a "unique archaeological resource" under Public Resources Code section 21083.2, to a recognized museum curation facility. After receiving written permission from the Commission's Executive Officer, such artifacts will be transferred to the curation facility within 45 days. Such artifacts will be curated at no cost to the State.
 - ii) Lessee will provide a list of all artifacts collected from the Lease Premises from sites or areas that are determined ineligible to the National Register of Historic Places or the California Register of Historical Resources, and are not a "unique archaeological resource." The Commission plans to offer such artifacts to culturally affiliated Native American tribes. If requested by the Commission, Lessee will make these artifacts available at a mutually agreeable time and place.
 - iii) Lessee will consult with tribal representatives and have tribal monitors during all construction activity related to the Phase 9/10 Project if requested by tribal representatives. Lessee would be required to stop activities if requested by a tribal monitor for a maximum of five business days. During this time, the Lessee will give the tribal monitor, and other tribal representatives, an opportunity to present their concerns to the Lessee and the Commission's Executive Officer.
 - iv) Any paleontological resources recovered from the Lease Premises shall remain State property until further action by the Lessor's Executive Officer. Lessee will request the transfer of title or control of such resources to an appropriate repository. After receiving written permission from the Commission's Executive Officer, such artifacts will be transferred to the repository. Such resources will be curated at no cost to the State.
 - v) Should human remains be discovered on the Lease Premises, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Inyo County Coroner shall be notified immediately for the procedures to follow.

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The Inyo County Coroner will notify the Native American Heritage Commission if the coroner has reason to believe that the remains are those of a Native American. Lessee, or its authorized subcontractor, will notify the Commission by telephone within 24 hours of the discovery of Native American human remains so that the Lessor can make the decisions required as the landowner under Public Resources Code section 5097.98. Where the location of any human remains on State, Federal, or private land is unclear, Lessee agrees to conduct a cadastral survey by a California licensed surveyor within 48 hours to determine ownership of the land containing the human remains.

Section 3, Land Description, of the Lease would be amended to include the attached Exhibit A.

OTHER PERTINENT INFORMATION:

1. Commission staff has participated in the Owens Lake Master Project process starting in March 2010 with the City, the District, other public agencies, non-governmental organizations, tribes, and other interested stakeholders to develop a "Master Plan" as a framework to manage the variety of important resources on the lake while continuing control dust. On June 23, 2015, the City released a Notice of Preparation for an Environmental Impact Report for the Master Project. The Commission's consideration of the Master Project and a Master Lease is anticipated to occur in early to mid-2017.
2. An EIR, State Clearinghouse No. 2014071057, was prepared for this project by the Los Angeles Department of Water and Power and certified on June 2, 2015. The Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been

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designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map – Staff Recommendation
- B-2. Site and Location Map – Alternative Authorization
- C. Mitigation Monitoring Program
- D. CEQA Findings
- E. Summary of Lease Amendments

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2014071057, was prepared for this Project by the Los Angeles Department of Water and Power and certified on June 2, 2015 and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, Title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

Determine that the Project, as approved, will not have a significant effect on the environment.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8079.9, a General Lease – Public Agency Use, to amend the Land Use or Purpose, the Authorized Improvements, the Special Provisions, and the Land Description as described herein to authorize the construction, use, and maintenance of 3.6 square miles of dust control in 17 Dust Control Areas, including Shallow Flooding, Managed Vegetation and Gravel Cover, excluding the transition of T18S, and the construction, use and maintenance of drainage management unit pump stations, lateral control valve facilities, pipe outfalls, berms and access roads, rip-rap to improve existing berms, and new sub-mains to convey water from T2-1 to Duck Pond-L1 and C2-L1, as described in Exhibit A and shown on

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Exhibit B-1 (for reference purposes only) attached and by this reference made a part hereof; and delegation to the Commission's Executive Officer to review and approve the transfer of title or control of archaeological artifacts and paleontological resources; all other terms and conditions of the lease will remain in effect without amendment.

2. Authorize, as trustee for the Kapiloff Land Bank Fund, the deposition of \$700,000 into the Kapiloff Land Bank Fund, for any lawful purpose related to Owens Lake or adjacent real property, pursuant to the Kapiloff Land Bank Act, Public Resources Code sections 8600 et seq.

Exhibit A. Legal Descriptions
Owens Lake Dust Mitigation Program Phase 9/10 Project

Eighteen described parcels of State-owned sovereign land in the bed of Owens Lake, in the County of Inyo, State of California, being more particularly described as follows:

Southerly Portion of Parcel T32-1-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California; bears South 52°10'35" East, a distance of 19,184.04 feet; thence along the following described courses:

North 00°55'40" West, 660.05 feet;
North 39°09'24" West, 813.01 feet;
North 89°31'06" East, 503.11 feet
North 00°56'40" West, 155.22 feet;
North 89°18'34" East, 2321.66 feet to the Owens Lake Meander Line;
North 46°55'15" West, 380.25 feet along said Meander Line;
North 58°46'07" West leaving said Meander Line, 174.63 feet;
South 66°07'46" West, 50.77 feet;
North 80°01'01" West, 20.27 feet;
South 72°33'30" West, 61.69 feet;
North 69°58'45" West, 53.19 feet;
North 87°22'15" West, 72.38 feet;
North 70°04'08" West, 86.37 feet;
South 89°59'49" West, 121.96 feet;
South 84°04'47" West, 36.01 feet;
North 55°33'30" West, 41.78 feet;
South 89°51'03" West, 59.32 feet;
North 62°27'21" West, 64.80 feet;
North 22°40'06" West, 45.25 feet;
North 37°52'52" West, 74.90 feet;
North 57°55'38" West, 104.12 feet;
North 65°50'06" West, 100.35 feet;
North 87°47'50" West, 50.30 feet;
North 52°30'24" West, 110.95 feet;
South 85°06'07" West, 50.15 feet;
North 45°30'55" West, 119.90 feet;
North 26°40'58" West, 60.47 feet;

North 61°53'38" West, 25.18 feet;
North 57°33'41" East, 24.07 feet;
North 06°43'10" East, 100.27 feet;
North 32°09'36" West, 80.31 feet;
North 41°54'48" West, 85.59 feet;
North 04°02'00" West, 57.13 feet;
North 24°31'22" West, 51.43 feet;
North 47°45'55" West, 23.12 feet;
North 06°25'55" East, 63.53 feet;
North 26°37'43" West, 229.04 feet;
North 06°39'30" West, 124.98 feet;
North 67°29'42" West, 79.86 feet;
South 88°00'27" West, 40.71 feet;
North 14°55'01" West, 67.20 feet;
North 00°48'51" East, 38.74 feet;
North 16°23'28" West, 48.07 feet;
North 08°42'21" East, 40.69 feet;
North 10°03'38" West, 88.59 feet;
North 60°56'21" West, 32.14 feet;
North 21°36'44" East, 40.80 feet;
North 19°35'06" West, 22.60 feet to the Owens Lake Meander Line;
North 40°48'58" West, 646.93 feet along said Meander Line;
South 89°31'48" West leaving said Meander Line, 3278.54 feet;
South 08°26'03" West, 388.42 feet;
South 35°26'15" East, 1340.62 feet;
South 55°30'13" West, 1315.81 feet;
South 44°55'19" West, 452.30 feet;
South 37°26'17" West, 529.52 feet;
South 29°06'39" West, 491.78 feet;
South 26°57'21" West, 309.08 feet;
South 19°18'49" West, 358.54 feet;
South 01°47'37" East, 280.41 feet;
South 55°39'46" East, 169.06 feet;
South 31°48'30" East, 201.43 feet;
South 65°01'07" East, 189.17 feet;
North 61°28'55" East, 208.43 feet;
North 21°06'11" East, 131.63 feet;
North 13°06'41" West, 41.90 feet;
South 76°20'02" East, 52.48 feet;
North 85°30'35" East, 155.73 feet;
North 44°52'24" East, 86.83 feet;
North 01°12'01" East, 114.75 feet;
South 25°38'09" East, 1361.63 feet;

North 44°22'02" East, 1205.16 feet;
North 82°26'03" East, 242.31 feet;
North 31°28'10" West, 2393.50 feet;
North 89°01'38" East, 643.62 feet;
North 39°10'00" East, 1656.97 feet;
South 59°21'15" East, 494.71 feet;
South 02°03'46" East, 2464.70 feet;
North 89°57'55" East, 1389.08 feet to the point of BEGINNING.

Containing 335.700 acres, more or less.

Northerly Portion of Parcel T32-1-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 45°33'01" East, a distance of 24,280.99 feet; thence along the following described courses:

North 37°04'38" West, 137.92 feet;
North 19°50'17" East, 33.82 feet;
North 39°25'36" East, 73.86 feet;
North 18°29'45" West, 121.01 feet;
North 44°39'47" West, 83.29 feet;
North 14°39'51" East, 151.76 feet;
North 23°42'50" West, 55.80 feet to the Owens Lake Meander Line;
North 60°16'23" West, 2981.11 feet along said Meander Line;
North 81°06'26" West leaving said Meander Line, 19.26 feet;
North 75°27'18" West, 154.68 feet;
North 80°38'16" West, 484.94 feet;
North 48°18'16" West, 86.74 feet;
North 80°20'36" West, 78.09 feet;
North 48°10'24" West, 28.36 feet;
North 41°29'55" West, 47.10 feet to the Owens Lake Meander Line;
North 74°19'55" West, 1248.62 feet along said Meander Line;
South 77°46'09" West leaving said Meander Line, 161.62 feet;
South 62°56'19" West, 198.41 feet;
North 85°55'42" West, 129.16 feet;
North 86°15'00" West, 156.13 feet;
South 76°40'40" West, 359.08 feet;

South 38°25'46" West, 51.96 feet;
South 86°12'02" West, 97.00 feet;
North 75°44'20" West, 93.51 feet;
North 24°52'12" West, 89.62 feet;
North 32°30'30" West, 149.09 feet;
North 11°17'59" West, 8.28 feet to the Owens Lake Meander Line;
South 87°40'47" West, 1914.23 feet along said Meander Line;
North 83°49'13" West, 1105.82 feet along said Meander Line;
South 71°36'54" West leaving said Meander Line, 107.65 feet;
South 57°12'39" West, 160.64 feet;
South 32°38'49" East, 318.13 feet;
South 02°07'18" East, 125.35 feet;
South 22°52'42" East, 103.07 feet;
South 53°53'45" East, 131.22 feet;
South 05°07'53" East, 46.23 feet;
North 78°49'46" West, 94.79 feet;
North 70°09'30" West, 182.36 feet;
North 55°00'52" West, 153.09 feet;
North 40°48'06" West, 165.64 feet;
North 41°29'33" West, 468.60 feet;
South 49°56'29" West, 122.66 feet;
South 06°17'17" West, 192.78 feet;
South 29°11'32" East, 163.25 feet;
South 38°14'19" East, 561.96 feet;
South 27°47'16" East, 247.13 feet;
South 09°16'45" West, 71.95 feet;
South 20°56'13" East, 119.78 feet;
North 73°21'16" East, 304.26 feet;
North 61°45'56" East, 211.44 feet;
North 40°49'38" East, 284.64 feet;
North 45°35'12" East, 190.88 feet;
North 76°20'42" East, 566.50 feet;
South 82°12'01" East, 865.70 feet;
South 77°14'11" East, 622.05 feet;
South 50°24'40" East, 439.26 feet;
South 88°57'10" East, 273.65 feet;
South 83°44'41" East, 281.82 feet;
South 75°32'42" East, 270.88 feet;
South 66°40'25" East, 355.10 feet;
North 71°45'53" East, 171.86 feet;
North 85°59'19" East, 333.35 feet;
South 87°50'27" East, 1127.94 feet;
South 78°02'06" East, 653.98 feet;

North 89°27'48" East, 409.05 feet;
South 80°34'41" East, 330.78 feet;
South 38°47'09" East, 294.75 feet;
South 48°23'17" East, 209.58 feet;
South 23°50'13" East, 786.38 feet;
North 89°20'20" East, 1365.50 feet to the point of BEGINNING.

Containing 204.452 acres, more or less.

Parcel T35-2-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 73°55'27" East, a distance of 33,475.75 feet; thence along the following described courses:

North 12°30'06" West, 191.81 feet;
North 38°03'42" West, 138.72 feet;
North 76°35'09" West, 129.91 feet;
North 69°52'27" West, 120.34 feet;
North 64°37'36" West, 96.70 feet;
North 77°24'22" West, 141.10 feet;
North 71°26'06" West, 54.77 feet;
South 89°36'33" West, 138.27 feet;
South 88°14'46" West, 145.07 feet;
South 82°01'58" West, 148.43 feet;
South 55°15'05" West, 94.79 feet;
South 11°09'44" West, 93.79 feet;
South 08°52'18" East, 70.41 feet;
South 01°13'24" West, 62.89 feet;
South 08°43'12" West, 63.74 feet;
South 12°09'09" West, 51.81 feet;
South 31°20'57" West, 42.88 feet;
South 52°24'38" West, 61.99 feet;
South 23°41'14" West, 62.01 feet;
South 42°01'56" West, 25.79 feet;
North 89°54'14" West, 36.73 feet;
North 85°17'43" West, 69.98 feet;
South 84°43'53" West, 179.05 feet;

South 17°37'34" East, 1043.40 feet;
South 18°19'00" East, 125.57 feet;
North 51°18'54" East, 1617.73 feet;
North 09°54'04" West, 227.30 feet to the point of BEGINNING.

Containing 36.117 acres, more or less.

Parcel T37-1-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 70°27'55" East, a distance of 40,959.90 feet; thence along the following described courses:

South 84°11'10" West, 227.96 feet;
South 65°29'39" West, 86.44 feet;
South 62°19'46" West, 92.29 feet;
South 29°16'05" West, 37.27 feet;
North 87°04'47" West, 46.04 feet;
South 82°46'56" West, 368.74 feet;
South 64°43'58" West, 272.12 feet;
South 39°38'30" West, 539.56 feet;
South 34°38'45" West, 93.07 feet;
South 74°46'19" West, 50.63 feet;
North 77°50'35" West, 283.24 feet;
North 71°45'06" West, 151.69 feet;
North 22°33'45" West, 85.07 feet;
North 07°33'16" East, 92.39 feet;
North 57°50'40" East, 186.73 feet;
North 36°12'49" East, 125.65 feet;
North 11°36'45" East, 139.99 feet;
North 28°21'59" West, 172.41 feet;
North 55°05'34" West, 85.50 feet;
South 67°29'01" West, 144.45 feet;
South 57°15'39" West, 226.41 feet;
South 68°59'37" West, 52.85 feet;
South 65°45'24" West, 98.34 feet;
North 76°17'31" West, 20.03 feet;
North 52°16'18" West, 37.11 feet;

North 63°47'43" West, 62.91 feet;
South 75°52'20" West, 98.47 feet;
South 73°23'31" West, 63.70 feet;
South 60°07'18" West, 118.99 feet;
South 64°06'31" West, 63.87 feet;
South 41°34'15" West, 132.06 feet;
South 67°46'42" East, 116.47 feet;
South 78°14'44" West, 59.37 feet;
South 26°01'15" West, 74.76 feet;
South 56°34'29" West, 111.62 feet;
South 57°18'36" West, 111.21 feet;
South 71°45'26" West, 56.11 feet;
South 48°12'12" West, 238.55 feet;
South 52°52'47" West, 205.15 feet;
South 02°11'44" West, 57.10 feet;
South 32°17'27" West, 22.28 feet;
South 62°11'25" West, 52.84 feet;
South 52°44'13" West, 137.41 feet;
South 39°00'22" West, 123.74 feet;
South 48°07'40" West, 118.54 feet;
South 53°02'40" West, 135.03 feet;
South 50°19'05" West, 120.50 feet;
South 60°18'06" West, 62.60 feet;
South 31°32'24" West, 26.18 feet;
South 57°00'26" West, 166.30 feet;
South 47°56'07" West, 293.64 feet;
South 47°57'53" West, 331.49 feet;
South 54°01'45" West, 136.83 feet;
South 16°41'10" East, 111.92 feet;
South 88°56'25" East, 525.93 feet;
South 22°39'28" East, 513.25 feet;
South 87°49'03" East, 604.25 feet;
South 58°21'11" East, 195.57 feet;
North 78°47'57" East, 118.42 feet;
North 57°32'41" East, 74.70 feet;
North 72°37'56" East, 151.14 feet;
North 54°30'24" East, 103.99 feet;
North 39°45'42" East, 428.75 feet;
North 31°02'24" East, 80.12 feet;
North 56°22'38" East, 173.63 feet;
North 68°03'15" East, 180.55 feet;
North 83°50'59" East, 103.29 feet;
South 81°01'59" East, 106.69 feet;

North 78°44'43" East, 176.21 feet;
North 67°16'31" East, 175.98 feet;
North 56°29'23" East, 140.14 feet;
North 36°57'48" East, 116.57 feet;
North 20°42'23" East, 188.25 feet;
North 07°13'56" West, 211.45 feet;
North 46°18'58" East, 221.95 feet;
North 35°32'57" East, 268.11 feet;
North 44°56'20" East, 166.76 feet;
North 19°15'57" East, 158.98 feet;
North 46°07'31" East, 348.23 feet;
North 53°18'35" East, 223.54 feet;
North 31°58'25" East, 136.64 feet;
North 54°17'36" East, 100.26 feet;
North 31°02'54" East, 86.58 feet;
North 56°11'02" East, 303.44 feet to the point of BEGINNING.

Containing 128.190 acres, more or less.

Parcel T37-2-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 88°19'00" East, a distance of 36,553.60 feet; thence along the following described courses:

North 15°35'29" West, 248.00 feet;
North 44°41'02" West, 323.74 feet;
North 71°45'05" West, 218.83 feet;
North 86°25'40" West, 242.44 feet;
South 89°26'18" West, 257.77 feet;
South 82°18'34" West, 219.92 feet;
North 88°17'34" West, 213.79 feet;
North 83°59'22" West, 207.16 feet;
North 82°48'31" West, 75.80 feet;
North 03°25'04" West, 65.69 feet;
North 14°54'53" East, 157.10 feet;
North 29°22'19" West, 242.09 feet;
North 13°22'37" West, 230.82 feet;

North 19°27'33" West, 234.79 feet;
 North 35°36'35" West, 153.22 feet;
 North 58°54'57" West, 258.62 feet;
 South 87°16'52" West, 159.14 feet;
 North 66°20'56" West, 226.09 feet;
 North 45°41'04" West, 179.51 feet;
 South 85°12'15" West, 89.53 feet;
 South 67°50'19" West, 88.43 feet;
 South 47°54'14" West, 91.01 feet;
 South 13°13'54" East, 80.85 feet;
 South 02°50'47" West, 331.15 feet;
 South 06°32'09" East, 745.37 feet;
 South 29°17'51" East, 251.16 feet;
 South 44°47'55" East, 449.56 feet;
 South 18°31'46" East, 205.71 feet;
 South 05°43'28" East, 35.53 feet;
 South 18°33'22" West, 32.74 feet;
 South 43°00'29" West, 68.92 feet;
 South 17°28'32" East, 143.18 feet;
 South 05°03'24" East, 111.79 feet;
 South 28°56'44" East, 55.86 feet;
 South 46°10'53" East, 52.15 feet;
 South 27°30'10" East, 92.34 feet;
 South 14°39'15" East, 91.63 feet;
 South 03°23'14" East, 138.20 feet;
 South 17°57'22" West, 148.33 feet;
 South 38°50'04" West, 62.28 feet;
 South 75°24'46" West, 32.96 feet;
 North 83°42'19" West, 32.96 feet;
 North 36°10'07" West, 47.18 feet;
 North 56°10'41" West, 76.14 feet;
 North 79°33'57" West, 143.18 feet;
 South 69°48'44" West, 86.10 feet;
 South 56°32'53" West, 214.85 feet;
 South 36°16'51" West, 122.43 feet;
 South 52°17'24" West, 250.07 feet;
 South 57°18'32" West, 495.17 feet;
 South 56°56'23" East, 88.92 feet;
 South 82°41'43" East, 298.55 feet;
 South 54°04'54" East, 113.41 feet;
 South 54°05'15" East, 131.92 feet;
 North 85°27'44" East, 765.18 feet;
 North 07°17'13" East, 430.38 feet;

North 52°29'45" East, 192.25 feet;
North 89°51'34" East, 146.39 feet;
South 55°18'04" East, 137.90 feet;
South 06°23'18" East, 161.55 feet;
South 33°56'23" West, 296.80 feet;
South 30°06'07" East, 429.53 feet;
North 00°49'18" East, 325.66 feet;
North 21°01'35" East, 82.19 feet;
North 46°10'24" East, 37.44 feet;
North 27°37'03" East, 60.34 feet;
North 48°45'16" East, 77.89 feet;
North 84°57'56" East, 77.24 feet;
North 62°43'55" East, 92.53 feet;
North 46°00'49" East, 87.06 feet;
North 50°41'39" East, 45.79 feet;
North 32°21'49" East, 298.47 feet;
North 36°29'13" East, 344.94 feet;
North 54°16'18" East, 569.34 feet;
North 45°38'22" East, 439.64 feet;
North 33°20'56" East, 287.86 feet to the point of BEGINNING.

Containing 132.754 acres, more or less.

Parcel T37-2-L2 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 81°21'29" East, a distance of 38,295.03 feet; thence along the following described courses:

North 08°28'39" East, 403.67 feet;
North 01°11'28" West, 160.44 feet;
North 28°33'13" East, 217.77 feet;
North 12°30'57" East, 246.86 feet;
North 00°24'00" East, 112.95 feet;
North 16°50'00" West, 69.12 feet;
North 07°05'05" East, 151.42 feet;
North 10°09'50" West, 99.17 feet;
North 23°52'35" East, 190.07 feet;

North 09°56'14" West, 242.47 feet;
North 28°07'51" West, 184.33 feet;
North 02°42'33" East, 245.54 feet;
North 29°07'29" West, 337.05 feet;
North 62°53'07" West, 454.90 feet;
South 03°48'24" East, 431.74 feet;
South 28°23'34" East, 163.75 feet;
South 00°50'55" East, 714.71 feet;
South 23°04'23" West, 575.41 feet;
South 30°55'54" West, 464.73 feet;
South 28°04'58" West, 920.94 feet;
South 82°10'36" West, 1042.51 feet;
South 86°14'00" East, 1478.36 feet;
North 83°16'53" East, 196.20 feet;
North 42°35'24" East, 103.11 feet;
North 60°18'48" East, 92.87 feet;
North 82°54'10" East, 184.40 feet;
North 17°03'02" East, 242.99 feet;
North 49°58'33" East, 198.94 feet to the point of BEGINNING.

Containing 52.260 acres, more or less.

Parcel T37-2-L3 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 78°44'24" East, a distance of 39,839.53 feet; thence along the following described courses:

North 19°04'45" West, 527.80 feet;
North 42°44'22" West, 589.55 feet;
North 68°34'46" West, 282.45 feet;
South 02°13'22" East, 332.51 feet;
South 02°13'54" East, 467.51 feet;
South 13°10'58" West, 487.85 feet;
South 39°50'13" West, 230.45 feet;
South 00°18'06" East, 877.09 feet;
North 83°46'26" East, 377.36 feet;
North 70°39'23" East, 242.61 feet;

North 37°57'11" East, 294.56 feet;
North 22°43'55" East, 351.13 feet;
North 25°37'27" East, 257.69 feet;
North 03°56'12" East, 384.65 feet to the point of BEGINNING.

Containing 37.560 acres, more or less.

Parcel T37-2-L4 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 71°57'00" East, a distance of 42,083.12 feet; thence along the following described courses:

North 53°27'06" East, 165.90 feet;
North 28°28'58" East, 217.78 feet;
North 07°24'12" East, 167.39 feet;
North 22°28'51" East, 657.73 feet;
North 22°58'03" West, 253.56 feet;
North 23°55'48" East, 478.56 feet;
North 21°47'24" East, 142.53 feet;
North 13°14'26" West, 270.82 feet;
North 03°19'22" West, 526.47 feet;
North 19°13'35" West, 320.45 feet;
North 28°35'22" West, 363.73 feet;
North 18°17'17" West, 361.05 feet;
North 75°22'52" West, 173.32 feet;
South 67°37'28" West, 132.60 feet;
South 00°18'06" East, 1271.44 feet;
North 67°39'32" West, 891.29 feet;
North 12°26'53" West, 981.38 feet;
South 04°44'11" West, 345.43 feet;
South 17°03'02" West, 42.87 feet;
South 18°05'40" East, 98.62 feet;
South 04°11'46" East, 157.28 feet;
South 10°59'01" East, 157.99 feet;
South 02°51'38" East, 146.50 feet;
South 00°07'01" West, 137.66 feet;
South 11°06'51" West, 193.60 feet;

South 45°00'33" West, 341.34 feet;
South 85°05'41" West, 59.89 feet;
North 56°26'28" West, 480.32 feet;
South 55°57'35" West, 100.61 feet;
South 16°58'21" West, 81.14 feet;
South 00°51'35" East, 278.96 feet;
South 27°38'59" West, 247.17 feet;
South 08°46'52" East, 336.04 feet;
South 47°29'43" East, 482.14 feet;
South 13°33'03" East, 359.39 feet;
South 22°19'33" East, 340.84 feet;
South 59°47'56" East, 192.35 feet;
South 39°09'49" East, 250.02 feet;
South 78°09'27" East, 241.64 feet;
South 86°48'37" East, 263.85 feet;
South 72°38'46" East, 319.20 feet;
North 88°09'35" East, 315.73 feet to the point of BEGINNING.

Containing 134.865 acres, more or less.

Portion of Parcel C2-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 30°40'35" East, a distance of 73,824.02 feet; thence along the following described courses:

North 89°33'37" West, 1017.70 feet to a point on the southerly line of Lake Land Location No. 2218;
South 89°55'48" West along said southerly line, 786.44 feet;
South 55°10'19" East leaving said southerly line, 1189.14 feet;
South 84°20'08" East, 205.83 feet;
South 39°48'15" East, 362.65 feet;
South 74°39'33" East, 237.91 feet;
South 48°28'32" East, 58.64 feet;
South 73°28'59" East, 69.27 feet;
North 87°34'20" East, 179.64 feet;
South 20°56'38" West, 68.54 feet;
South 01°04'06" East, 74.48 feet;

South 36°35'05" East, 130.17 feet;
South 44°11'19" East, 148.41 feet;
South 53°46'19" East, 272.46 feet;
South 56°38'20" East, 237.12 feet;
South 62°26'02" East, 127.30 feet;
South 37°15'49" East, 97.03 feet;
South 04°34'40" West, 268.59 feet;
South 00°59'28" West, 247.60 feet;
South 21°48'07" West, 115.49 feet;
South 80°04'54" West, 37.54 feet;
North 54°07'17" West, 88.66 feet;
South 55°20'00" West, 185.07 feet to the Owens Lake Meander Line;
South 45°37'17" East, 703.29 feet along said Meander Line;
North 16°15'02" East leaving said Meander Line, 35.71 feet;
North 30°33'26" East, 145.84 feet;
North 69°03'17" East, 196.86 feet;
North 42°36'28" East, 188.28 feet;
North 01°58'58" West, 134.53 feet;
North 86°07'22" East, 111.79 feet;
North 01°36'49" West, 442.44 feet;
North 17°50'42" West, 512.60 feet;
North 88°20'24" West, 248.06 feet;
North 84°02'21" West, 166.55 feet;
North 62°08'52" West, 595.38 feet;
North 00°05'25" West, 373.28 feet;
North 27°27'32" West, 332.02 feet;
North 27°12'59" West, 340.39 feet;
North 22°17'29" West, 348.00 feet to the point of BEGINNING.

Containing 56.010 acres, more or less.

Portion of Parcel DuckPond-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 27°26'24" East, a distance of 75,096.48 feet; thence along the following described courses:

South 89°52'53" West, 147.83 feet;

North 80°45'52" West, 125.94 feet;
North 42°02'54" West, 81.29 feet;
North 18°01'56" West, 114.27 feet;
North 77°01'04" West, 98.15 feet;
South 50°00'05" West, 95.52 feet;
South 03°57'47" East, 94.40 feet;
North 76°47'38" West, 121.56 feet;
South 64°18'06" West, 183.31 feet;
South 44°55'53" West, 151.55 feet;
South 75°07'20" West, 75.67 feet;
North 66°10'59" West, 174.13 feet;
North 13°39'19" West, 108.45 feet;
South 76°21'42" West, 111.88 feet;
South 33°24'20" West, 99.47 feet;
South 77°53'35" West, 275.49 feet;
South 20°24'47" West, 127.19 feet to the Owens Lake Meander Line;
South 45°37'14" East, 29.49 feet along said Meander Line;
South 77°38'54" East, 1743.78 feet along said Meander Line,
to the southwesterly corner of Lake Land Location No. 62;
North 00°36'27" West leaving said Meander Line, 177.57 feet along the
westerly line of said Lake Land Location No. 62;
North 23°12'58" West leaving said westerly line, 41.98 feet;
North 03°19'57" West, 181.09 feet;
North 11°09'50" West, 234.89 feet to the point of BEGINNING;

Containing 16.990 acres, more or less.

Parcel T10-1-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 11°22'16" East, a distance of 49,776.11 feet; thence along the following described courses:

North 41°02'50" West, 67.06 feet;
North 30°46'03" West, 171.98 feet;
North 38°58'23" West, 340.21 feet;
North 51°21'28" West, 264.17 feet;
North 54°57'13" West, 112.58 feet;

North 36°39'51" West, 127.10 feet;
North 13°58'01" West, 91.75 feet;
North 33°01'11" West, 94.69 feet;
North 35°44'16" West, 75.28 feet;
North 09°37'26" East, 109.87 feet;
North 22°23'19" West, 256.18 feet;
North 44°40'38" West, 75.81 feet;
North 68°46'25" West, 76.77 feet;
South 87°13'02" West, 118.66 feet;
South 50°14'07" West, 104.86 feet;
South 25°55'22" West, 200.17 feet;
South 06°15'54" West, 242.52 feet;
South 01°05'59" West, 245.00 feet;
South 15°24'01" West, 115.84 feet;
South 87°20'44" West, 27.93 feet;
South 02°33'09" West, 86.81 feet;
South 40°00'59" West, 78.64 feet;
South 26°55'49" East, 104.29 feet;
South 00°38'51" East, 353.70 feet;
South 08°24'24" East, 325.65 feet;
South 19°09'03" East, 167.27 feet;
South 34°55'16" East, 134.28 feet;
South 44°27'29" East, 82.02 feet;
South 07°42'16" West, 51.69 feet;
South 84°12'43" East, 82.21 feet;
South 63°53'02" East, 107.30 feet;
South 81°09'46" East, 121.34 feet;
South 55°26'08" East, 142.32 feet;
North 68°53'19" East, 239.07 feet;
North 55°47'55" East, 402.14 feet;
North 53°44'23" East, 162.50 feet;
North 16°41'45" East, 307.27 feet;
North 00°42'23" East, 146.97 feet to the point of BEGINNING.

Containing 47.659 acres, more or less.

Parcel T17-2-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of

Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 8°39'04" East, a distance of 32,339.78 feet; thence along the following described courses:

North 44°50'48" West, 107.14 feet;
North 22°34'30" West, 57.03 feet;
North 15°20'39" West, 119.51 feet;
North 81°23'28" West, 114.76 feet;
South 70°01'31" West, 1032.39 feet;
South 70°00'04" West, 889.19 feet;
South 63°12'49" West, 258.51 feet;
South 55°10'12" West, 110.40 feet;
South 73°03'23" West, 76.17 feet;
South 68°01'42" West, 167.50 feet;
South 70°31'51" West, 330.71 feet;
South 25°02'07" West, 77.60 feet;
South 33°37'17" East, 146.81 feet;
South 30°54'09" East, 495.80 feet;
South 43°47'07" East, 111.36 feet;
South 12°24'01" East, 516.73 feet;
South 35°16'02" East, 278.29 feet;
South 52°24'44" East, 114.94 feet;
South 56°27'42" East, 246.03 feet;
South 70°49'21" East, 209.95 feet;
North 35°27'54" East, 3039.55 feet to the point of BEGINNING.

Containing 85.712 acres, more or less.

Parcel T21-L2 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 16°20'53" West, a distance of 23,103.59 feet; thence along the following described courses:

North 85°29'08" West, 145.39 feet;
North 60°01'34" West, 42.83 feet;
South 86°54'28" West, 114.61 feet;
South 73°47'03" West, 69.77 feet;

South 59°17'14" West, 442.91 feet;
South 50°21'54" West, 1046.55 feet;
South 39°23'37" East, 147.20 feet;
South 01°23'04" East, 91.89 feet;
South 45°39'50" West, 212.79 feet;
South 34°49'31" West, 294.55 feet;
South 23°48'38" West, 227.39 feet;
South 04°38'13" East, 344.68 feet;
South 18°55'37" East, 280.65 feet;
South 28°21'24" West, 105.39 feet;
South 53°39'00" West, 297.62 feet;
South 22°07'19" West, 371.07 feet;
South 28°02'58" West, 434.34 feet;
South 13°11'54" West, 522.16 feet;
South 30°28'55" West, 365.21 feet;
South 36°51'04" West, 381.73 feet;
South 01°13'50" West, 387.24 feet;
South 20°08'36" East, 404.62 feet;
South 50°53'37" East, 160.84 feet;
North 73°36'57" East, 196.48 feet;
North 37°52'27" East, 190.29 feet;
North 64°48'58" East, 283.14 feet;
North 85°56'30" East, 134.23 feet;
North 72°21'33" East, 147.37 feet;
North 33°55'31" East, 303.91 feet;
North 28°03'12" East, 1827.23 feet;
North 29°25'41" East, 739.47 feet;
North 13°14'59" East, 436.87 feet;
North 02°17'32" West, 391.73 feet;
North 26°10'09" East, 386.13 feet;
North 00°03'18" West, 262.90 feet;
North 17°12'35" East, 875.29 feet;
North 30°08'56" West, 164.02 feet to the point of BEGINNING.

Containing 153.421 acres, more or less.

Parcel T21-L1 (including 50' offset) Phase 9

BEGINNING at a point from whence Mineral Monument No. 58; a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of

Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 5°00'54" West, a distance of 17,342.53 feet; thence along the following described courses:

South 36°58'05" West, 208.77 feet;
South 28°39'42" West, 236.49 feet;
South 14°55'45" West, 467.42 feet;
South 10°12'14" East, 91.62 feet;
South 42°14'55" East, 234.76 feet;
South 03°18'43" East, 74.03 feet;
South 39°43'24" West, 38.60 feet;
North 89°51'46" West, 117.13 feet;
South 63°35'15" West, 151.07 feet;
South 40°37'06" West, 314.95 feet;
South 67°30'30" West, 344.60 feet;
North 85°33'37" West, 150.11 feet;
North 41°47'32" West, 39.56 feet;
North 05°29'47" West, 508.33 feet;
North 00°47'00" West, 85.94 feet;
North 08°37'16" West, 307.22 feet;
North 48°00'32" West, 646.99 feet;
North 76°52'44" West, 73.34 feet;
South 77°31'40" West, 200.60 feet;
South 57°55'04" West, 158.63 feet;
South 53°05'16" West, 302.08 feet;
North 86°42'36" West, 171.56 feet;
North 65°11'22" West, 174.41 feet;
North 53°56'25" West, 157.88 feet;
North 62°40'13" West, 157.10 feet;
South 72°35'59" West, 115.88 feet;
South 77°23'01" West, 529.00 feet;
South 37°48'14" West, 217.95 feet;
South 13°23'27" West, 688.04 feet;
South 01°09'55" West, 254.50 feet;
South 09°34'27" East, 571.33 feet;
South 40°17'49" East, 542.08 feet;
South 22°14'33" East, 665.92 feet;
North 80°49'23" East, 225.88 feet;
South 59°48'26" East, 1699.32 feet;
South 52°36'01" East, 2217.76 feet;
North 35°12'50" East, 2296.16 feet;
North 66°47'36" West, 359.36 feet;
North 11°35'00" West, 929.51 feet;

North 11°35'17" East, 960.46 feet;
North 00°18'29" East, 355.95 feet;
North 30°32'55" West, 131.82 feet;
North 50°40'26" West, 1534.40 feet to the point of BEGINNING.

Containing 390.022 acres, more or less.

Parcel T21-L3 (including 50' offset) Phase 10

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 12°54'38" West, a distance of 16,694.85 feet; thence along the following described courses:

North 63°47'58" West, 125.91 feet;
South 71°21'34" West, 268.30 feet;
North 83°59'10" West, 236.08 feet;
South 12°57'04" West, 166.13 feet;
North 68°44'56" West, 573.40 feet;
South 26°57'02" West, 224.61 feet;
South 17°47'48" East, 137.36 feet;
North 88°04'40" West, 318.02 feet;
North 66°06'42" West, 188.24 feet;
South 82°44'40" West, 321.10 feet;
South 28°40'13" West, 270.69 feet;
South 04°44'07" West, 503.80 feet;
South 28°28'00" West, 117.65 feet;
South 50°40'26" East, 1,506.39 feet;
South 30°32'55" East, 86.47 feet;
South 00°05'48" East, 239.16 feet;
South 53°08'24" East, 66.68 feet;
South 85°47'46" East, 104.93 feet;
South 63°36'42" East, 171.60 feet;
South 57°12'27" East, 159.83 feet;
South 71°02'34" East, 540.62 feet;
North 47°56'26" East, 371.32 feet;
North 02°43'48" East, 164.30 feet;
North 63°57'11" East, 213.86 feet;

North 02°04'02" East, 101.95 feet;
North 29°02'07" East, 137.33 feet;
North 09°24'38" West, 222.98 feet;
North 49°37'31" East, 210.48 feet;
North 38°38'36" West, 159.43 feet;
North 32°15'35" West, 114.25 feet;
North 18°15'15" East, 181.72 feet;
North 33°08'40" West, 115.55 feet;
North 02°44'36" West, 208.63 feet;
North 11°41'12" East, 140.44 feet;
North 74°19'03" East, 107.39 feet;
North 15°36'37" East, 86.95 feet;
North 58°39'58" West, 107.46 feet;
North 26°03'40" West, 102.51 feet;
North 82°03'02" West, 108.86 feet;
North 89°27'35" West, 143.09 feet;
South 72°58'05" West, 185.35 feet;
North 00°21'06" East, 255.24 feet;
North 62°18'04" East, 116.18 feet;
North 29°22'53" East, 90.73 feet;
North 21°08'16" West, 137.15 feet;
North 44°44'24" West, 114.20 feet to the point of BEGINNING.

Containing 117.030 acres, more or less.

Parcel T21-L4 (including 50' offset) Phase 10

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 7°20'19" West, a distance of 21,276.56 feet; thence along the following described courses:

South 35°37'04" West, 1,902.77 feet;
South 02°15'00" West, 86.68 feet;
South 52°57'50" East, 79.23 feet;
South 02°01'09" West, 88.53 feet;
South 28°50'04" East, 175.63 feet;
South 15°56'05" East, 196.95 feet;

South 08°11'07" East, 94.90 feet;
South 23°00'28" East, 217.10 feet;
South 00°19'00" East, 111.13 feet;
South 71°34'16" East, 126.24 feet;
South 31°18'25" East, 126.47 feet;
South 64°31'32" East, 166.19 feet;
North 74°36'35" East, 87.91 feet;
South 72°09'57" East, 112.26 feet;
South 85°10'17" East, 87.52 feet;
South 00°16'04" East, 131.39 feet;
South 50°07'54" East, 106.80 feet;
North 80°39'21" East, 302.50 feet;
North 27°14'13" East, 71.12 feet;
South 42°26'58" East, 92.40 feet;
South 70°34'41" East, 168.02 feet;
South 83°14'24" East, 156.47 feet;
North 48°58'41" East, 150.60 feet;
North 09°23'04" West, 139.05 feet;
North 18°46'16" West, 202.31 feet;
North 46°45'01" West, 111.45 feet;
North 20°51'51" West, 180.96 feet;
North 05°26'20" West, 253.02 feet;
North 13°57'30" West, 206.24 feet;
North 30°41'36" West, 380.42 feet;
North 27°22'44" West, 156.26 feet;
North 09°39'37" West, 293.25 feet;
North 06°58'25" West, 277.62 feet;
North 24°57'45" East, 179.93 feet;
North 07°46'55" East, 222.26 feet;
North 07°35'50" West, 145.68 feet;
North 06°20'33" East, 130.76 feet;
North 27°09'33" West, 133.74 feet;
North 58°52'41" West, 103.06 feet to the point of BEGINNING.

Containing 64.499 acres, more or less.

Parcel T10-3-L1 (including 50' offset) Phase 10 (including overlap of Rio Tinto lease)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 29°09'57" East, a distance of 41,763.68 feet; thence along the following described courses:

North 51°59'44" West, 118.92 feet;
North 76°03'09" West, 252.46 feet;
North 38°36'31" West, 256.39 feet;
South 20°24'09" West, 178.37 feet;
South 61°48'10" West, 297.76 feet;
South 47°25'23" West, 279.03 feet;
South 30°56'37" West, 134.07 feet;
South 21°45'57" West, 159.12 feet;
South 79°22'27" West, 141.91 feet;
South 32°03'55" West, 268.23 feet;
South 29°56'09" West, 212.95 feet;
South 52°57'31" West, 378.81 feet;
South 25°14'18" West, 506.21 feet;
South 55°06'18" East, 123.63 feet;
South 27°30'52" East, 324.90 feet;
South 51°17'39" East, 184.13 feet;
South 80°18'49" East, 131.33 feet;
South 19°49'15" East, 397.94 feet;
South 67°46'36" West, 211.60 feet;
South 62°29'13" West, 99.69 feet;
North 77°43'12" West, 112.97 feet;
South 53°40'25" West, 140.10 feet;
South 07°30'45" East, 185.99 feet;
South 19°45'18" West, 303.80 feet;
South 65°48'26" West, 151.93 feet;
South 40°52'58" West, 158.39 feet;
South 23°08'55" East, 155.83 feet;
South 80°22'18" East, 273.34 feet;
South 47°28'01" West, 225.02 feet;
South 32°34'09" West, 203.27 feet;
South 26°59'35" West, 228.56 feet;
South 00°31'55" East, 304.15 feet;
South 13°44'35" West, 55.48 feet;
South 00°30'46" East, 163.15 feet;
South 03°22'59" East, 105.15 feet;

South 00°24'28" East, 204.49 feet;
South 00°36'01" West, 296.46 feet;
South 89°57'01" West, 150.12 feet;
South 40°13'18" West, 68.21 feet;
South 02°28'30" East, 281.87 feet;
South 03°47'15" East, 79.97 feet;
South 04°05'51" East, 154.15 feet;
South 03°00'20" East, 73.91 feet;
South 03°36'36" West, 68.25 feet;
South 17°26'31" West, 62.61 feet;
South 20°12'45" East, 693.37 feet;
South 24°28'59" West, 39.95 feet;
South 19°40'47" East, 202.93 feet;
North 77°14'33" East, 219.15 feet;
North 52°54'44" East, 867.08 feet;
North 47°46'39" East, 874.40 feet;
North 42°37'53" East, 1,472.49 feet;
North 24°29'55" East, 1,264.42 feet;
North 24°35'28" East, 1,346.10 feet;
North 84°38'44" West, 447.42 feet;
North 62°43'20" West, 809.21 feet;
North 09°39'17" West, 1,742.47 feet to the point of BEGINNING.

Containing 335.712 acres, more or less.

T18S (including 50' offset) Phase 4

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 15°36'25" East, a distance of 19,523.24 feet; thence along the following described courses:

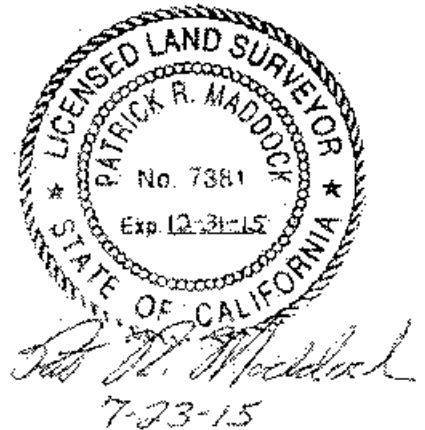
South 74°28'48" West, 1743.21 feet;
South 8°51'57" East, 3329.73 feet;
South 60°05'54" West, 1582.73 feet;
South 34°39'16" West, 3496.59 feet;
South 25°16'52" West, 1728.85 feet;
South 5°49'12" West, 2314.19 feet;

South 54°43'48" East, 582.12 feet;
South 83°27'01" East, 676.56 feet;
North 88°51'38" East, 1747.92 feet;
North 80°35'47" East, 4787.90 feet;
North 35°16'37" East, 2661.83 feet;
North 54°43'54" West, 1447.05 feet;
North 29°59'29" West, 4360.47 feet;
North 13°42'21" West, 2009.22 feet;
North 7°05'27" East, 1888.44 feet;
North 10°48'49" West, 277.20 feet to the point of BEGINNING.

Containing 1208.073 acres, more or less.

The Bearings used in this description are on the California Coordinate System, NAD83, (CCS83/92), Zone 4. The Coordinate values, in U.S. Survey Feet, of said Mineral Monument No. 58, also known as Triangulation Station "Keeler" are: Northing 2,064,076.37, Easting 6,890,187.91. All distances shown herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 1.000228742.

END OF DESCRIPTION



PRM

Lgl Desc Exhb A Oro Lk Ph 9-10-T18S Supp Dust Cntrl Areas 50ft Offset On State Lands R2 7-23-15 Final prm.docx

NO SCALE

SITE

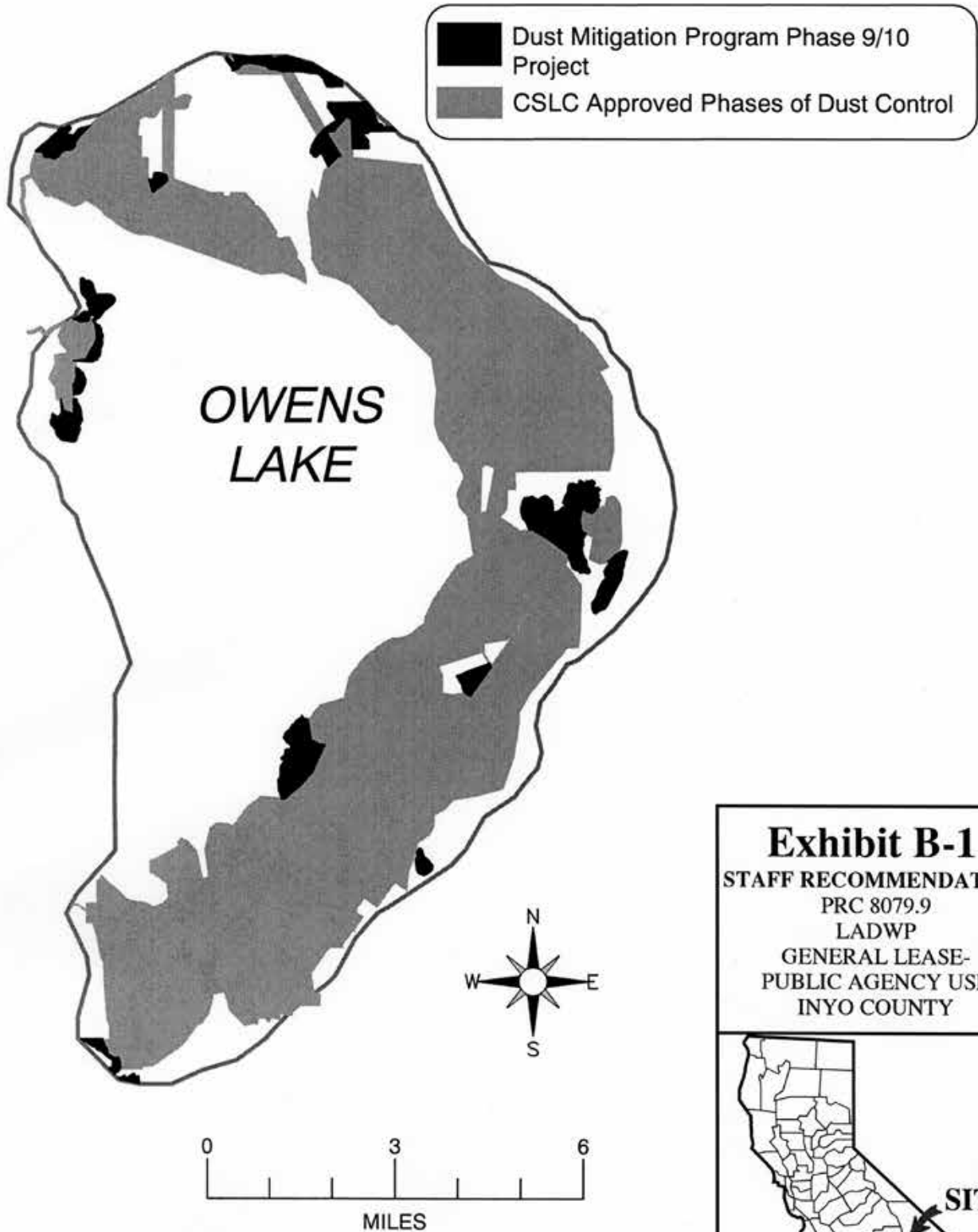


Exhibit B-1
STAFF RECOMMENDATION
PRC 8079.9
LADWP
GENERAL LEASE-
PUBLIC AGENCY USE
INYO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 07/22/15

NO SCALE

SITE

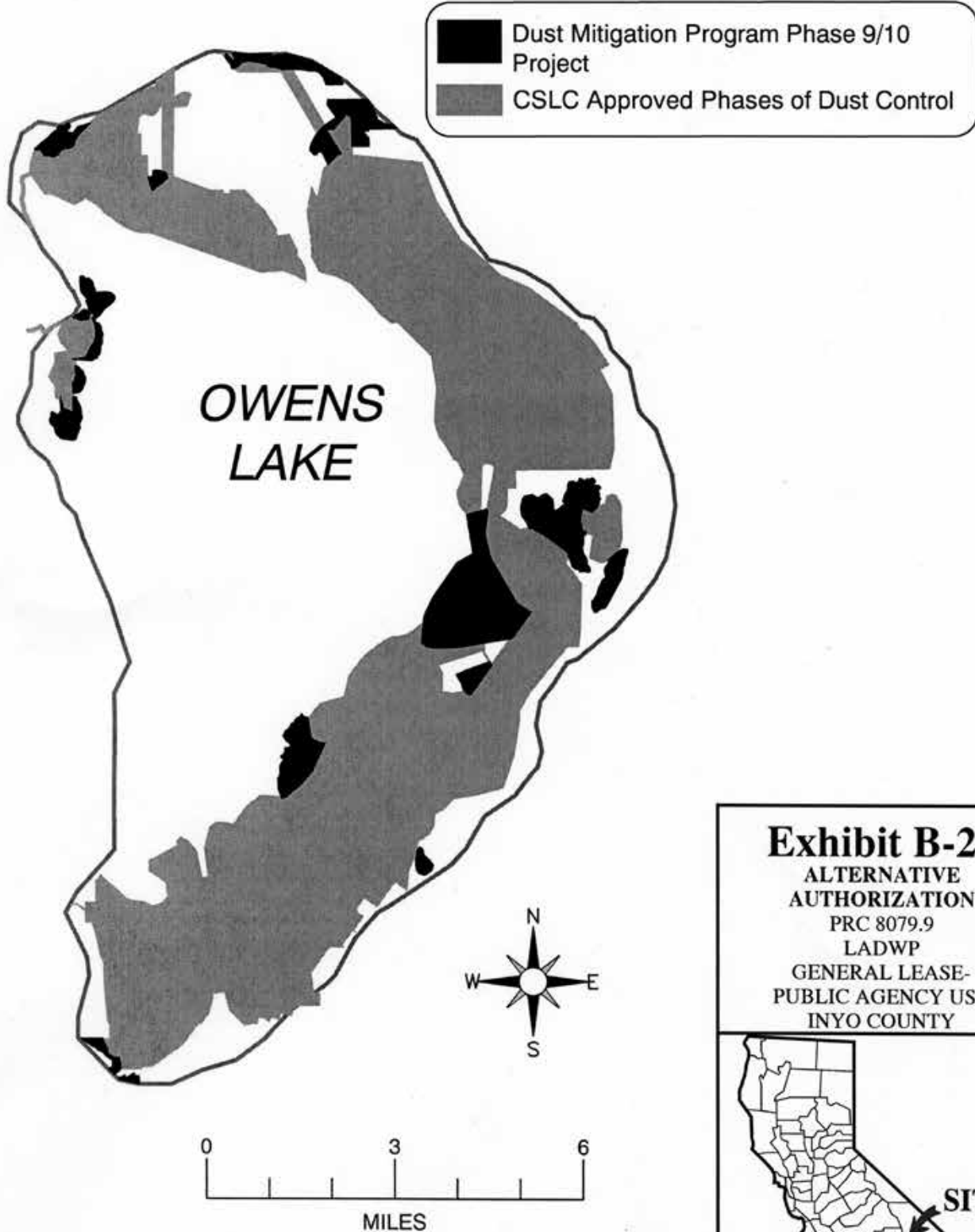


Exhibit B-2

ALTERNATIVE
AUTHORIZATION

PRC 8079.9

LADWP

GENERAL LEASE-
PUBLIC AGENCY USE
INYO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 07/22/15

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
OWENS LAKE DUST MITIGATION PROGRAM PHASE 9/10 PROJECT
(PRC 8079, State Clearinghouse No. 2014071057)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Owens Lake Dust Mitigation Program Phase 9/10 Project (Project). The CEQA lead agency for the Project is the City of Los Angeles Department of Water and Power.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below.

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM) ²
AIR-1. Construction and maintenance activities and equipment will temporarily emit particulate matter.	AIR-1. Fugitive Dust Emissions Control and Minimization.
AIR-2. Construction and maintenance equipment will temporarily emit air pollutants.	AIR-2. Low Emissions Tune-ups Schedule.
	AIR-3. Low-emission Equipment Utilization.
	AIR-4. Low-emission Mobile Vehicle Utilization during Construction.
	AIR-5. Low-emission Mobile Vehicle Utilization during Operation.
BIO-1. Snowy Plover could be adversely impacted during construction and maintenance activities.	BIO-1. Lake Bed Worker Education Program.
BIO-2. Snowy Plover nests could be adversely impacted during construction and maintenance activities.	BIO-2. Preconstruction Surveys for Snowy Plover.
BIO-3. Nesting bird species could be adversely impacted during construction and maintenance activities.	BIO-3. Snowy Plover Nest Speed Limit.
BIO-4. Nesting bird species and nocturnal wildlife could be adversely impacted by lighting during construction and maintenance activities.	BIO-4. Lighting Best Management Practices.
BIO-5. Nesting bird species could be adversely impacted during construction and maintenance activities.	BIO-5. Preconstruction Surveys for Nesting Birds.
CR-1. Installation of Project facilities could result in disturbance of known cultural resources.	CR-1. Avoidance of resources immediately adjacent to the Phase 9/10 Project Areas to the extent feasible – using a 100-foot buffer around archaeological sites.
CR-3. Installation of Project facilities could result in disturbance of unknown cultural resources.	CR-3. Cultural Resources Construction Monitoring Program.
CR-4. Installation of Project facilities could result in disturbance of unknown human remains.	CR-4. Unanticipated Discovery of Human Remains.
CR-5. Installation of Project facilities could result in disturbance of paleontological resources.	CR-5. Paleontological Resources Construction Monitoring Program.

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
City of Los Angeles Department of Water and Power**

MITIGATION MONITORING AND REPORTING PROGRAM

Owens Lake Dust Mitigation Program - Phase 9/10 Project (Avoidance Alternative) Final Environmental Impact Report SCH# 2014071057

Introduction

The Los Angeles Department of Water and Power (LADWP) is currently implementing the Owens Lake Dust Mitigation Program (OLDMP), which includes the construction and operation of dust control measures (DCMs) on the lake in compliance with orders issued by the Great Basin Unified Air Pollution Control District (GBUAPCD) under the authority of California Health & Safety Code Section 42316 (Section 42316), legal settlement agreements with GBUAPCD, lease agreements for use of state lands (administered by the California State Lands Commission (CSLC)) and other regulatory approvals. The Phase 9/10 Project as originally proposed in the Draft EIR would expand the existing system of dust control measures on Owens Lake by installation of 3.62 square miles of dust control in 17 Dust Control Areas (DCAs) and 1.82 square miles of transitioned dust control in one existing DCA for a total Project area of 5.44 square miles.

Analysis of the impacts of the Phase 9/10 Project as originally proposed is presented in the Draft EIR. Significant impacts of the original proposed Project that could not be mitigated to less than significant levels were identified for cultural resources. All other impacts were found to be beneficial, less than significant or less than significant as mitigated. Several alternatives to the proposed Project were defined with a focus on avoidance of significant impacts to cultural resources and alternative dust mitigation scenarios. Based on the analysis presented in the Draft EIR, the Avoidance Alternative was identified as the environmentally superior alternative.

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to ensure implementation of the mitigation measures outlined in the Final Environmental Impact Report for the Avoidance Alternative of the Phase 9/10 Project (State Clearinghouse No. 2014071057). The MMRP has been prepared by LADWP, the lead agency for the Phase 9/10 Project under the California Environmental Quality Act (CEQA), in conformance with Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097. Adoption of a MMRP is required for projects in which the Lead Agency has required changes or adopted mitigation to avoid significant environmental effects.

Project Description Summary

Under the Avoidance Alternative, boundaries of select DCAs would be redefined to avoid approximately 350 acres containing significant cultural resources and including a 100 foot buffer around the cultural sites. Under the Avoidance Alternative, approximately 3.1 square-miles of dust control will be installed in Phase 9/10 Project areas and existing

Shallow Flood DCA T18S will be transitioned to a combination of Shallow Flood and Gravel Cover.

Mitigation Monitoring and Reporting Responsibility

LADWP shall have primary responsibility for administering the MMRP activities to staff, consultants, or contractors. LADWP has the responsibility of ensuring that monitoring is documented through periodic reports and that deficiencies are promptly corrected. LADWP's designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems. Specific responsibilities of LADWP include:

- Coordination of all mitigation monitoring activities
- Management of the preparation, approval, and filing of monitoring or permit compliance reports
- Maintenance of records concerning the status of all approved mitigation measures
- Coordination with other agencies and relevant Tribal representatives

Resolution of Noncompliance Complaints

LADWP will act as the contact for interested parties who wish to register comments or complaints. Any person or agency may file a complaint that states noncompliance with the mitigation measures that were adopted as part of the approval process for the Phase 9/10 Project. The complaint shall be directed to LADWP (111 N. Hope Street, Room 1044, Los Angeles, CA 90012) in written form, providing detailed information on the purported violation. LADWP shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure is verified, LADWP shall take the necessary action(s) to remedy the violation. The complainant shall receive written confirmation indicating the results of the investigation or the final corrective action that was implemented to respond to the specific noncompliance issue.

Mitigation Monitoring and Reporting Plan Matrix

The MMRP is organized in a matrix format and includes: mitigation measure by number, impact summary, text of the mitigation measures, time frame for monitoring, agency responsible, and space to indicate verification that the measures were implemented. The verification columns will be used to document the person who verified the implementation of the mitigation measure, the date on which this verification occurred, and any other notable remarks.

MITIGATION MONITORING AND REPORTING PROGRAM

SCH #2014071057

Owens Lake Dust Mitigation Program - Phase 9/10 Project Final Environmental Impact Report

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
AIR-1	Construction and maintenance activities and equipment will temporarily emit particulate matter.	<p>Fugitive Dust Emissions Control and Minimization. In compliance with GBUAPCD requirements, a Dust Control Plan shall be implemented during construction. The plan shall specify specific measures to be taken when removing T18S DCA from service. Best available control measures shall be implemented during construction and maintenance activities to minimize emission of fugitive dust from earthwork and travel on unpaved roads and other areas. Best available control measures may include, but would not be limited to:</p> <ul style="list-style-type: none"> • Temporary sand fences shall be installed where feasible as soon as practicable without delaying Project completion and shall be maintained as necessary until areas of Managed Vegetation have been established. Sand fences may be used temporarily during construction in order to limit the movement of sand from construction zones to adjacent areas of the lake bed. Sand fence would be black fabric with 50 percent porosity that is UV stabilized (Model SF-50 from U.S. Fence, or equivalent) and supported by steel T-posts (approximately 7 feet in height and driven into the ground to a depth of approximately 4 feet, resulting in approximately 3 feet of height for exposed post). Since the fence 	<p>Dust Control Plan to be prepared prior to the start of construction</p> <p>Dust control measures to be implemented during construction and maintenance</p>	LADWP (GBUAPCD to review Dust Control Plan)			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
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		<p>will not exceed 60 inches in height, wire or monofilament line across the top would not be necessary to reduce perching by predators (corvids). Temporary sand fence shall be maintained and then removed at the completion of construction activities. Sand fences that deteriorate and could potentially create litter on the lake bed shall be repaired or removed.</p> <ul style="list-style-type: none"> • Water trucks shall be used as necessary and feasible during construction - engineering specifications shall mandate water sprays not less than three times per day on each main access road and temporary or secondary road that is being used in construction. • Tillage shall be implemented where soil conditions allow. • Placement of a gravel surface on interim staging areas within the DCA used by the contractor. • Construction activities shall cease during high wind events. <p>At a minimum, one or more of the applicable best available control measures shall be used during active operations to minimize fugitive dust emissions from each fugitive dust source type. The final selection of the BACM controls depends upon the final engineering design and construction plans, and GBUAPCD's approval.</p>					

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
AIR-2	Construction and maintenance equipment will temporarily emit air pollutants.	Low Emissions Tune-ups Schedule. A schedule of low emissions tune-ups shall be prepared for all equipment operating on site for more than 10 working days.	During Construction and maintenance	LADWP			
AIR-3		Low-emission Equipment Utilization. Low-emission equipment/mobile construction equipment shall be used for Project construction to the maximum extent practical, feasible, and available.	During Construction and maintenance	LADWP			
AIR-4		Low-emission Mobile Vehicle Utilization during Construction. Low-emission or alternative-fueled mobile vehicles shall be used during Project construction to the maximum extent practical, feasible, and available. In addition, carpooling of construction workers shall be encouraged.	During Construction and maintenance	LADWP			
AIR-5		Low-emission Mobile Vehicle Utilization during Operation. Hybrid, low-emission (CA LEV II; PZEV, SULEV; or ULEV) or alternative-fueled mobile vehicles, such as electric or fuel cells, shall be used for the proposed Project site to the maximum extent practical, feasible, and available. In addition, carpooling of operations and maintenance workers shall be encouraged.	During Construction and maintenance	LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
BIO-1	Snowy Plover could be adversely impacted during construction and maintenance activities.	Lake Bed Worker Education Program. To minimize potential direct impacts to Snowy Plover from construction activities, LADWP shall continue the lake bed worker education program consistent with the previous approach and per CDFW recommendations. The program shall be based on Snowy Plover identification, basic biology and natural history, alarm behavior of the snowy plover, and applicable mitigation procedures required of LADWP and construction personnel. The program shall be conducted by a biologist familiar with the biology of the Snowy Plover at Owens Dry Lake and familiar with special status plant and wildlife species of the Owens Lake basin. The education program shall explain the need for the speed limit in the snowy plover buffer areas and the identification and meaning of buffer markers. All construction, operation, and maintenance personnel working within the Project area shall complete the program prior to their working on the lake bed. A list of personnel who have completed the education program shall be maintained and made available to GBUAPCD and CDFW upon request.	Prior to the start of construction	LADWP			
BIO-2	Snowy Plover nests could be adversely impacted during construction and maintenance activities.	Preconstruction Surveys for Snowy Plover. To minimize potential direct impacts to Snowy Plover within the Project area due to construction activities, LADWP shall conduct a preconstruction survey for Snowy Plover in all potential snowy plover habitat prior to any construction activity that is performed during the Snowy Plover breeding season (March 15 to August 15). Preconstruction surveys shall be performed no more than 7 days prior to the start of ground-disturbing activities. A 200-foot buffer	Surveys to be conducted no more than 7 days prior to the start of ground disturbing activities (during breeding season)	LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
		<p>shall be placed around all active snowy plover nests that are discovered within the construction area. This buffer shall protect the plover nest from both destruction and construction noise. Green-colored stakes of less than 60 inches in height shall be used to mark buffer edges, with stakes spaced at approximate cardinal directions. The location of the nest (global positioning system coordinates) and current status of the nest shall be reported within 24 hours of discovery to GBUAPCD and CDFW. Maps of snowy plover nest locations shall be posted at the construction office and made available to all site personnel and GBUAPCD staff, and submitted to CDFW. The activity of the nest shall be monitored by a biological monitor, as per existing guidelines for the North Sand Sheet and Southern Zones dust control projects and any revisions to the monitoring protocol that have been approved by CDFW. Active snowy plover nests shall be monitored at least weekly. The nest buffer shall remain in place until such time as the biological monitor determines that the nest is no longer active and that fledglings are no longer in danger from proposed construction activities in the area. Buffers shall be more densely marked where they intersect Project-maintained roads. Vehicles shall be allowed to pass through nest buffers on maintained roads at speeds less than 15 miles per hour, but shall not be allowed to stop or park within active nest buffers. Permitted activity within the nest buffer shall be limited to foot crews working with hand tools and shall be limited to 15-minute intervals, at least 1 hour apart, within a nest buffer at any one time.</p>	<p>Maps to be prepared during construction</p> <p>Nest monitoring to be conducted at least weekly during nesting season</p>				

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
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BIO-3	Nesting bird species could be adversely impacted during construction and maintenance activities.	Snowy Plover Nest Speed Limit. To minimize potential direct and cumulative impacts to Snowy Plover and other sensitive biological resources from vehicles construction activities, LADWP shall implement a speed limit of 30 miles per hour within all active construction areas on Owens Dry Lake during construction of dust control measures. Speed limits shall be 15 miles per hour within active snowy plover nest buffers. Designated speed limits for other construction areas outside of active nest buffers shall be maintained at 30 miles per hour where it is determined to be safe according to vehicle capabilities, weather conditions, and road conditions. Site personnel and GBUAPCD staff shall be informed daily of locations where active nest buffers overlap with roads in the construction area. Signs shall be posted that clearly state required speed limits. Speed limit signs shall be posted at all entry points to the lake. The number of speed limit signs shall be kept at a minimum near active snowy plover nest areas to reduce potential perches for raptors and other snowy plover predators and shall be outfitted with Nixalite or the functional equivalent if greater than 72 inches (increased from the original 60 inches) in height at entry points to the lake and 60 inches in height by active snowy plover nest areas.	During construction and maintenance	LADWP			
BIO-4	Nesting bird species and nocturnal wildlife could be adversely impacted by	Lighting Best Management Practices. To minimize indirect impacts to nesting bird species associated with Project lighting during construction activities, LADWP shall institute all best management practices to minimize lighting impacts on nocturnal wildlife consistent with	During construction and maintenance	LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
	lighting during construction and maintenance activities.	previous requirements and CDFW recommendations. Best management practices include those listed below, and are included in the Project Description of the GBUAPCD 2008 State Implementation Plan Subsequent Environmental Impact Report. Previous construction has occurred during nighttime hours to complete construction schedules and to prevent personnel from working during times of high temperatures. If night work is deemed necessary, then construction crews shall make every effort to shield lighting on equipment downward and away from natural vegetation communities or playa areas, and especially away from known nesting areas for snowy plovers during the nesting season (March 15 to August 15). All lighting, in particular any permanent lighting, on newly built facilities shall be minimized to the greatest extent possible, while still being in compliance with all applicable safety requirements. Required lighting shall be shielded so that light is directed downward and away from vegetation or playa areas.					
BIO-5	Nesting bird species could be adversely impacted during construction and maintenance activities.	Preconstruction Surveys for Nesting Birds. If vegetation removal activities are scheduled to occur during the bird breeding season (January 15 to July 31), pre-construction surveys for bird nests shall be conducted no more than 7 days prior to the start of ground-disturbing activities. Surveys shall be conducted in areas of suitable nesting habitat that will be impacted by construction. Active nests will be marked at a safe distance with visible flagging and the construction crew supervisor will be made aware of these locations. Construction may commence in all areas without active bird nests. All bird nests	Surveys to be conducted no more than 7 days prior to the start of ground disturbing activities (during bird breeding season)	LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
		will remain undisturbed while they are active. After a nest ceases to be active (fledges or fails), and the qualified biologist has made this determination, construction may proceed in the area. If construction is initiated in one breeding season and persists into subsequent breeding seasons, additional surveys are not necessary unless construction activities involve additional vegetation removal.					
CR-1	Installation of Project facilities could result in disturbance of known cultural resources.	Avoidance of resources immediately adjacent to the Phase 9/10 Project Areas to the extent feasible – using a 100-foot buffer around archaeological sites. Construction activities and heavy vehicle travel could inadvertently damage intact portions of cultural resources adjacent to the various Phase 9/10 Project areas. A qualified archaeologist shall prepare maps depicting archaeological sites with a 100-foot buffer as environmentally sensitive areas. The location of the buffer will be noted in the field through survey and a marking system. To avoid identifying the locations of significant cultural resources to the public, no physical barriers will be erected. These maps shall be available for cultural resources monitors and construction crews to use for avoidance during all construction activities and vehicle transportation through the Phase 9/10 Project areas.	Maps to be prepared prior to the start of construction	LADWP			
CR-2	<i>Measure deleted. No longer required since significant cultural resources were not identified on private parcels included in the Phase 9/10 Project area.</i>						

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
CR-3	Installation of Project facilities could result in disturbance of unknown cultural resources.	<p>Cultural Resources Construction Monitoring Program. Impacts to surface and subsurface cultural resources not previously identified shall be mitigated through preparation of a cultural resources monitoring program and its implementation during construction or other ground-disturbing activities. The Cultural Resources Construction Monitoring Program shall include:</p> <ul style="list-style-type: none"> • The retention of a qualified archaeologist to implement a monitoring and recovery program. The “qualified archaeologist” shall meet the U. S. Secretary of the Interior’s Historic Preservation Professional Qualification Standards for Archaeology. • The Lone Pine Paiute-Shoshone tribe shall be contacted prior to the start of Project construction. Qualified Lone Pine Paiute-Shoshone cultural resources monitors shall be afforded an opportunity to be present during earthwork and excavation activities associated with construction of the Phase 9/10 Project. • The qualified archaeologist shall be required to secure a written agreement with a recognized museum repository, such as the University of California, Riverside, regarding the final disposition and permanent storage and maintenance of any unique archaeological resources or historical resources recovered as a result of the archaeological monitoring, as well as corresponding geographic site data that might be recovered as a result of the specified monitoring program. The written agreement shall specify the level of 		LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
		<p>treatment (i.e., preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for storage.</p> <ul style="list-style-type: none"> • The qualified archaeologist shall provide cultural resources awareness training prior to the start of construction for all construction personnel. Construction personnel shall be briefed on procedures to be followed in the event that a unique archaeological resource, historical era building or structure, or human remains are encountered during construction. A training log shall be kept on-site throughout the construction period. The qualified archaeologist will also prepare and distribute informative Fact Sheets regarding archaeological and Native American sensitivities that provide samples of possible finds and procedures to be followed in the event of a discovery. The Fact Sheet will also have relevant contact information for the archaeologist, including a telephone number where they can be reached by the construction contractor, as necessary. • The qualified archaeologist shall monitor ground-disturbing activities, including trenching, grading, and other earth-moving activities in each of the Phase 9/10 Project DCAs, including C2-L1, Duck Pond-L1 (including an access road), T10-1-L1 (including an access road), T17-2-L1, T21-L1, T21-L2, T32-1-L1, T35-2-L1, T37-1-L1, T37-2-L1, T37-2-L2, T37-2-L3, T37-2-L4, Duck Pond-L2, T10-3-L1, T21-L3, and T21-L4. In T18S DCA, which was previously disturbed by shallow flooding, the qualified 					

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
		<p>archaeologist will determine monitoring locations and frequency. Monitors will move among construction locations as directed by LADWP in consultation with the cultural resources manager and the construction contractor. Backfilling and removal of previously constructed berms composed of previously disturbed soils generally will not require monitoring. In those areas, it will be up to the discretion of the archaeological monitor to determine which areas will require monitoring and how frequently. The archaeologist will consult with LADWP and LADWP will halt work briefly in a single location as necessary to examine soils and possible archaeological features. The archaeologist shall coordinate with the construction manager to divert work around the discovery of any potentially significant archaeological resource, if any are encountered. In the event of a cultural resources discovery, avoidance measures such as staking a 100-foot buffer (or in case of human remains, steel plating) will be used to prohibit or otherwise restrict access to sensitive areas until a qualified archaeologist can assess the significance of the find according to CRHR criteria. If the resource is determined to be significant, the qualified archaeologist shall prepare and implement a treatment plan in consultation with LADWP. Construction will not recommence in the area until authorized to do so by LADWP.</p> <p>If significant historic era buildings or structures are newly identified during construction activities, then Historic</p>					

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		<p>American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation would be prepared to reduce impacts below a level of significance.</p> <p>Under the Avoidance Alternative to the proposed Project, the treatment plan for newly discovered significant archaeological resources will describe avoidance/preservation in place. If the Avoidance Alternative is not adopted, and the proposed Project for the entire 3.61 square miles of dust control is adopted by LADWP, and if avoidance of newly discovered significant archaeological resources is deemed infeasible, a data recovery plan shall be implemented for the resources and the impact on archaeological resources would be significant with mitigation.</p> <ul style="list-style-type: none"> • If construction personnel discover a cultural resource in the absence of an archaeological monitor, construction shall be halted within 100 feet of the find, and a qualified archaeologist shall be contacted to perform Phase II excavations to evaluate the resource and recommend the appropriate treatment. If the resource is determined to be significant, the qualified archaeologist shall prepare and implement a treatment plan in consultation with LADWP. Construction will not recommence in the area until authorized by LADWP. • The qualified archaeologist shall ensure that all construction personnel are informed of the requirements to notify the Inyo County 					

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		<p>coroner within 24 hours of the discovery of human remains on state lands (as required by Public Resources Code 5097).</p> <ul style="list-style-type: none"> • The coordinates of artifacts, features, and sites will be obtained by the archaeologist, and artifacts from ineligible sites and isolated artifacts discovered during construction will be collected, cataloged, and placed in a dry and secure temporary storage area until the end of the Project, when they will be given to the CSLC for dissemination to the Lone Pine Paiute-Shoshone Reservation. Any artifacts that may be collected from CRHR-eligible sites will be curated at the repository at University of California, Riverside. • The qualified archaeologist shall maintain daily monitoring logs during ground-disturbing activities that shall be submitted weekly to LADWP. A complete set of the daily monitoring logs shall be kept on site throughout the ground-disturbing activities and be available for inspection. The daily monitoring log shall indicate the area monitored, the date, assigned personnel including tribal representatives, and the results of monitoring, including the recovery of archaeological resources, sketches of recovered materials, photographic record, and associated geographic site data. In addition, progress reports that describe new discoveries and issues in the field shall be submitted weekly to LADWP. Within 120 days of the completion of the archaeological monitoring, a monitoring report shall be submitted to LADWP, CSLC, and to the EIC at the University of California, Riverside. 					

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
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		<p>The report, when submitted to LADWP, shall signify the completion of the program to mitigate impacts to unique archaeological resources or historical resources.</p> <ul style="list-style-type: none"> • An Unanticipated Discovery Evaluation Protocol shall be developed by the qualified archaeologist. Prior to the evaluation of any newly discovered resources on state lands, the CSLC shall be afforded an opportunity to comment on the research design, including research questions and evaluation methodologies, included in the Unanticipated Discovery Evaluation Protocol. Prior to evaluation of any newly discovered resources on federal lands, the BLM shall be afforded an opportunity to comment on the Unanticipated Discovery Evaluation Protocol. 					

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
CR-4	Installation of Project facilities could result in disturbance of unknown human remains.	<p>Unanticipated Discovery of Human Remains. Upon the discovery of human remains, there shall be no further excavation or disturbance of the site or any areas that are reasonably suspected to overlie adjacent human remains until the following conditions are met:</p> <ul style="list-style-type: none"> • The Inyo County Coroner has been informed and has determined that no investigation of the cause of death is required. • If the remains are of Native American origin, the Native American Heritage Commission (NAHC) will be contacted. In consultation with the Most Likely Descendant, the NAHC and qualified archaeologist shall determine the treatment and disposition of the human remains and any associated grave goods, with appropriate dignity, as provided in Public Resources Code Section 5097.98. Avoidance of human remains shall be considered to the extent feasible. • If the remains are not of Native American origin, the Inyo County Coroner will make a determination as to the disposition of the remains. <p>Ground-disturbing activities may continue once compliance with all relevant sections of the California Health and Safety Code have been addressed and authorization to proceed issued by the Inyo County Coroner and LADWP.</p>	During construction	LADWP (Inyo County Coroner to be contacted if human remains discovered)			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
CR-5	Installation of Project facilities could result in disturbance of paleontological resources.	<p>Paleontological Resources Construction Monitoring Program. Impacts to surface and subsurface paleontological resources not previously identified shall be mitigated through preparation of a written paleontological monitoring plan to be implemented during construction ground-disturbances, including trenching, grading, and other earth-moving activities. Backfilling and removal of previously constructed berms composed of previously disturbed soils would not require monitoring. LADWP shall require that construction monitoring, salvage, and recovery of unique paleontological resources is consistent with standards for such recovery established by the Society of Vertebrate Paleontology (SVP). The Paleontological Resources Construction Monitoring Program shall include:</p> <ul style="list-style-type: none"> • LADWP shall retain a qualified paleontologist to implement the mitigation plan and maintain professional standards of work. A “qualified paleontologist” is defined as a practicing scientist who meets the qualifications established by the SVP. • The qualified paleontologist shall be required to secure a written agreement with a recognized repository, regarding the final disposition, permanent storage, and maintenance of any significant fossil remains and associated specimen data and corresponding geologic and geographic site data that might be recovered as a result of the specified monitoring program. The written agreement shall specify the level of treatment (i.e., preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for 	<p>Paleontological Resources Monitoring Plan to be developed prior to the start of construction</p> <p>Monitoring to be conducted during construction</p>	LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
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		<p>storage. In addition, a technical report shall be completed. The final disposition of paleontological resources recovered on State lands must be approved by the CSLC.</p> <ul style="list-style-type: none"> • The paleontological monitor may be a qualified paleontologist or a cross-trained archaeologist or geologist working under the supervision of a qualified principal paleontologist. The function of the monitor is to identify potential resources and recover them with appropriate scientific data. • LADWP shall require the qualified paleontologist to provide a paleontological resources briefing prior to the start of construction for all construction personnel. Construction personnel shall be briefed on procedures to be followed in the event that a unique paleontological resource is encountered during construction. A training log shall be kept on-site throughout the construction period. The qualified paleontologist will also prepare and distribute informative Fact Sheets regarding paleontological sensitivities that provide samples of possible finds and procedures to be followed in the event of a discovery. The Fact Sheet will also have relevant contact information for the paleontologist, including a telephone number where they can be reached by the construction contractor, as necessary. • The paleontological monitor shall monitor ground-disturbing activities, including trenching, grading, and other earth-moving activities, in each of the Phase 9/10 Project areas, including C2-L1, Duck Pond-L1 					

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		<p>(including an access road), T10-1-L1 (including an access road), T17-2-L1, T21-L1, T21-L2, T32-1-L1, T35-2-L1, T37-1-L1, T37-2-L1, T37-2-L2, T37-2-L3, T37-2-L4, Duck Pond-L2, T10-3-L1, T21-L3, T21-L4, and T18S DCAs. Monitors will move among construction locations as directed by LADWP in consultation with the Project cultural resources manager. Backfilling and removal of previously constructed berms composed of previously disturbed soils would not require monitoring. The monitor shall coordinate with the construction manager to divert work around potentially significant paleontological resources, if any are encountered.</p> <ul style="list-style-type: none"> • Discovery of fossil-producing localities shall require that stratigraphic columns be measured and that geologic samples be taken for analysis. • If fossil localities are discovered, the paleontologist shall collect controlled samples for processing. All fossils recovered shall be prepared, identified, and cataloged before submission to the accredited repository designated by the lead agency. • In conjunction with the subsurface work, the paleontological monitor shall inspect exposed sediments, including microscopic examination of matrix, to determine if fossils are present. In addition, the qualified paleontologist shall be available on call to respond to unanticipated discoveries. • If construction personnel discover a paleontological resource in the absence of a 					

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		<p>paleontological monitor, construction shall be halted as directed by LADWP and in accordance with SVP guidelines, a qualified paleontologist shall be contacted to evaluate the resource and make recommendations regarding its treatment. If the fossil material is determined to be significant, the qualified paleontologist shall prepare and implement a treatment plan in consultation with LADWP. Construction activity shall not resume until authorization has been provided by LADWP.</p> <p>The qualified paleontologist or paleontological monitor shall maintain daily monitoring logs during ground-disturbing activities that shall be submitted weekly to LADWP. A complete set of the daily monitoring logs shall be kept on site throughout the ground-disturbing activities and be available for inspection. The daily monitoring log shall indicate the area monitored, the date, assigned personnel including the tribal representative, and the results of monitoring, including the recovery of paleontological resources, sketches of recovered materials, photographic record, and associated geographic site data. In addition, progress reports that describe new discoveries and issues in the field shall be submitted weekly to LADWP. Within 120 days of the completion of the paleontological monitoring, a final mitigation report shall be submitted to LADWP, and CSLC with an appended, itemized inventory of the specimens observed and collected. The report should include a list of specimens recovered, documentation of each locality, interpretation of fossils recovered and any technical or specialist's reports as appendices. The report</p>					

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
		and inventory, when submitted to LADWP, shall signify the completion of the program to mitigate impacts to paleontological resources.					
TRANS-1	Construction workers commuting to the site, delivery vehicles and gravel haul trucks will increase traffic hazards on area roadways.	Traffic Work Safety Plan. LADWP shall develop and implement a Traffic Work Safety Plan to be approved by Caltrans for the construction phase of the Phase 9/10 Project. The Plan shall address the use of warning lights, signs, traffic cones, signals, flag persons and/or comparable measures as needed to maintain safe travel of haul trucks on SR 136 and SR 190 during construction.	Traffic Work Safety Plan to be developed prior to the start of construction. Plan to be implemented during construction.	LADWP (Caltrans to review Plan)			
TRANS-2	Truck travel during Project construction may damage portions of SR 136 and SR 190.	State Road Repair. LADWP shall repair damage to SR 136 and SR 190 where Project related truck traffic would travel on these roadways. Prior to the start of construction activity, existing conditions on SR 136 and SR 190 shall be documented. After construction is complete, physical damage documented on the portions of SR 136 and SR 190 used for construction of the Phase 9/10 Project shall be repaired. In addition, LADWP shall have its contractor install corrugated steel plates to reduce the possibility of trucks tracking dirt onto the highways. Any debris tracked onto the highways shall be removed in a timely manner.	Existing conditions to be documented prior to the start of construction. Debris tracking reduction methods to be installed prior to the start of Project-related truck travel on 136 and 190. Conditions assessment of roadways to be conducted when construction complete.	LADWP (Caltrans to review repair plans, as necessary)			

**EXHIBIT D – OWENS LAKE DUST MITIGATION PROGRAM PHASE 9/10
PROJECT
(PRC 8079, STATE CLEARINGHOUSE NO. 2014071057)**

**CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS**

1.0 INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use to the City of Los Angeles Department of Water and Power (LADWP), for use of sovereign lands associated with the proposed Owens Lake Dust Mitigation Program Phase 9/10 Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must approve a lease for the Project to go forward and because the LADWP, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The LADWP analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2014071057) and, in May 2015, certified the EIR, adopted a Mitigation Monitoring Program (MMP) and its own Findings, and approved the Project.

The Project is part of the Owens Lake Dust Mitigation Program (OLDMP), which includes the construction and operation of dust control measures (DCMs) on the lake in compliance with orders issued by the Great Basin Unified Air Pollution Control District (GBUAPCD) under the authority of California Health & Safety Code Section 42316 (Section 42316), legal settlement agreements with GBUAPCD, lease agreements for use of State lands (administered by the CSLC) and other regulatory approvals.

The Project, as proposed, consists of the 17 separate and discrete Dust Control Areas (DCAs) listed below, as well as 1.82 sq miles of transition areas that currently contain DCMs, but would be transitioned to less water-intensive methods (Transition Area).

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, Title 14, section 15000 et seq.

- Duck Pond-L1
- C2-L1
- T10-1-L1
- T17-2-L1
- T21- L1
- T21-L2
- T37-2-L4
- T37-2-L3
- T37-2-L2
- T37-2-L1
- T35-2-L1
- T37-1-L1
- T32-1-L1
- Duck Pond-L2
- T10-3-L1
- T21-L3
- T21-L4

Installation of best available control measures (BACM) on Project DCAs and the Transition Area entails ground disturbing activities such as grading, dirt moving, boring, trenching and road, berm, pipeline and other construction.

Several alternatives to the proposed Project were defined with a focus on avoidance of significant impacts to cultural resources and on alternative methods and combinations of BACM. Based on the analysis presented in the EIR, the Avoidance Alternative was identified as the environmentally superior alternative. The LADWP-approved Avoidance Alternative includes avoidance on approximately 278 acres on State lands plus additional acreage on federal parcels (approximately an additional 75 acres), and would result in less than significant impacts to cultural resources.

Under the Avoidance Alternative, the LADWP determined that the Project could have significant environmental effects on the following environmental resources:

- Air Quality
- Cultural Resources
- Biological Resources
- Transportation

Of the four resource areas noted above, Project components within the CSLC's jurisdiction could have significant environmental effects on three of the resource areas, as follows:

- Air Quality;
- Biological Resources; and
- Cultural Resources.

Project effects on Transportation (transportation and traffic to the Project area) are not within the jurisdiction of the CSLC.

In certifying the EIR and approving the Avoidance Alternative, LADWP imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that all Project-related impacts would be less than significant after mitigation. Therefore, LADWP determined that no Statement of Overriding Considerations was required.

As a responsible agency, the CSLC complies with CEQA by considering the lead agency's EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In so doing, the CSLC may require changes in a project

to lessen or avoid the effects, either direct or indirect, of that part of the project that the CSLC will be called on to carry out or approve.

In order to ensure the identified mitigation measures and/or Project revisions are implemented, the CSLC adopts a Mitigation and Monitoring Plan (MMP) as set forth in Exhibit C to this Calendar Item as part of its Project approval.

To mitigate for the loss of potential enhancement of public trust values resulting from the application of gravel cover, the CSLC may approve a lease amendment that excludes the Transition Area from the Project. These findings and the MMP apply to the Project whether or not the Transition Area is included.

2.0 FINDINGS

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the LADWP for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, the CSLC makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund v. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in the EIR, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the CSLC's exercise of discretion involves only issuing a General Lease – Public Agency Use for this Project, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the EIR fully complies with CEQA.

The CSLC has reviewed and considered the information contained in the Project EIR and LADWP's record of Project approval adopting the Avoidance Alternative. All significant adverse impacts of the Project identified in the EIR's Avoidance Alternative relating to the CSLC's approval of a General Lease – Public Agency Use, which would allow dust control measures within Phases 9 and 10, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental

effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.²

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the CSLC or existing in its files, all of which is contained in the administrative record. The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

A. SUMMARY OF FINDINGS

Based on public scoping, the proposed Project will have No Impact on the following environmental issue areas:

- Agriculture and Forest Resources

The EIR subsequently identified the following impacts as Less Than Significant:

- Aesthetics
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

For the remaining potentially significant effects within CSLC jurisdiction, the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

Resource Area	Impact
1. Air Quality	AIR-1
2. Biological Resources	BIO-1, BIO-2, BIO-3, BIO-4, BIO-5
3. Cultural Resources	CR-1, CR-3, CR-4, CR-5

Impact CR-2 was eliminated from the Project because significant cultural resources were not identified in the private parcels of the Project area.

1. AIR QUALITY

CEQA FINDING NO. AIR-1

Impact: **AIR-1. Construction and maintenance activities and equipment will temporarily emit particulate matter.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction and maintenance activities have the potential to emit fugitive dust from earthwork and travel on unpaved roads and other areas. Implementation of Mitigation Measure **AIR-1 Fugitive Dust Emissions Control and Minimization** will minimize fugitive dust emissions during construction and maintenance activities. A Dust Control Plan shall be implemented incorporating best available control measures including temporary sand fences, water trucks, tillage, surfacing interim staging areas, and cessation of construction activities during high wind events.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

2. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO-1

Impact: **BIO-1. Snowy plover could be adversely impacted during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

A breeding population of snowy plover occurs on Owens Lake and plover nests have been documented adjacent to potential construction areas. Phase 9 and 10 construction and maintenance activity could subject snowy plovers to noise, vehicular traffic, and foot traffic.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-1. Lake Bed Worker Education Program** shall be implemented. A biologist familiar with the biology of the snowy plover at Owens Lake shall conduct the program based on snowy plover identification, basic biology and natural history, alarm behavior, and applicable mitigation procedures required of construction personnel. These measures will ensure that construction and maintenance personnel are able to identify snowy plover and avoid activities that would disturb them.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-2

Impact: **BIO-2. Snowy plover nests could be adversely impacted during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Continued or repeated disturbance of nesting birds during construction and maintenance activities could result in nest failure.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-2. Preconstruction Surveys for Snowy Plover**, shall be implemented: LADWP shall conduct a preconstruction survey for snowy plover in all potential snowy plover habitat prior to any construction activity that is performed during the breeding season (March 15 to August 15). Preconstruction surveys shall be performed no more than 7 days prior to the start of ground-disturbing activities. A 200-foot buffer shall be established and nest locations shall be made available to all site personnel. Active nests shall be monitored by a biological monitor at least weekly. The nest buffer shall remain in place until the biological monitor determines that the nest is no longer active and that fledglings are not in danger from proposed construction activity in the area. Vehicles may pass through nest buffers on maintained roads at speeds less than 15 miles per hour (mph), but shall not stop or park within active nest buffers. Foot crews may work with hand tools for up to 15-minute intervals at least one hour apart within a nest buffer. These measures will ensure that nesting birds will not be significantly disrupted during nesting activities.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. BIO-3

Impact: **BIO-3. Nesting bird species could be adversely impacted during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Snowy plovers could be killed or injured by vehicle traffic or active nests could be crushed beneath heavy construction equipment.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-3. Snowy Plover Nest Speed Limit**, shall be implemented. To minimize potential direct and cumulative impacts to snowy plover and other sensitive biological resources from vehicles construction activities, a speed limit of 30 mph shall be imposed on all active construction areas and a limit of 15 mph shall be observed within active snowy plover nest buffers. Speed limit signs shall be posted and, if over 72 inches in height, outfitted with Nixalite or the equivalent to reduce potential perches for raptors and other predators. Site personnel shall be informed daily of the locations of active nest buffers overlapping roads in the construction area. These reduced speed limits will minimize the chance of killing or injuring birds by construction equipment.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-4

Impact: **BIO-4. Nesting bird species and nocturnal wildlife could be adversely impacted by lighting during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Nighttime construction activity and/or maintenance could disrupt foraging by sensitive species near the construction zones.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-4. Lighting Best Management Practices**, shall be implemented. LADWP shall implement best management practices and California Department of Fish and Wildlife recommendations. Nighttime construction lighting shall be shielded downward and away from natural vegetation communities or playa areas, and especially away from known nesting areas for snowy plovers during nesting season (March to August). Permanent lighting shall be minimized while still being in compliance with applicable safety requirements, and shall be shielded downward and away from vegetation communities or playa areas. These measures will ensure that foraging by sensitive species will not be disrupted near construction zones.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-5

Impact: **BIO-5. Nesting bird species could be adversely impacted during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activity and/or maintenance involving vegetation removal could disrupt nesting sensitive bird species within Phase 7a.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-5. Preconstruction Surveys for Nesting Birds**, shall be implemented. If tree or shrub removal activities are scheduled to occur during the bird breeding season (January 15 to July 31), pre-construction surveys for bird nests shall be conducted no more than 7 days prior to the start of ground-disturbing activities. Active nests will be marked with visible flagging and the construction crew supervisor informed. All bird nests will remain

undisturbed while they are active. These measures will ensure that nesting birds are not disrupted.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

3. CULTURAL RESOURCES

CEQA FINDING NO. CR-1

Impact: **CR-1. Installation of Project facilities could result in disturbance of known cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities for the Project will include land leveling, grading and recontouring; trenching for pipeline installation; earthwork for berm creation; and heavy equipment travel for installation of geotextile fabric, gravel, irrigation systems, and plant materials. These actions have the potential to dislodge, relocate, crush, and otherwise cause substantial adverse changes to unique cultural resources recommended as eligible under the California Register of Historical Resources (CRHR).

To mitigate this potential impact to less than significant, Mitigation Measure **CR-1. Avoidance of Resources Immediately Adjacent to the Phase 9/10 Project Areas to the Extent Feasible – using a 100-foot Buffer around Archaeological Sites**, shall be implemented. A qualified archaeologist shall prepare maps showing archaeologically sites with a 100-foot buffer as environmentally sensitive areas. These maps shall be used by cultural resources monitors and construction crews to avoid sensitive areas. Avoidance of archaeologically sensitive areas will ensure they are not inadvertently damaged during construction.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-3

Impact: **CR-3. Installation of Project facilities could result in disturbance of unknown cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Certain known archaeological sites within the Phase 9 and 10 dust control areas remain unevaluated.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-3. Cultural Resources Construction Monitoring Program**, shall be implemented. A qualified archaeologist will be retained to implement the program, who will secure a written agreement with a recognized museum repository; provide cultural resources awareness training; monitor ground-disturbing activities; ensure that all construction personnel are informed of the requirements to notify the Inyo County if human remains are discovered; obtain the coordinates of artifacts, features, and sites; maintain daily monitoring logs; and develop an unanticipated Discovery Evaluation Protocol. In addition, the Lone Pine Paiute-Shoshone tribe shall be contacted prior to the start of construction. These measures will ensure that unevaluated sites are avoided.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-4

Impact: **CR-4. Installation of Project facilities could result in disturbance of unknown human remains.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Presently, no known recorded cemeteries or Native American burial sites have been identified in the Project area. However, human remains are known to exist in areas on Owens Lake. In addition, Tribal representatives have emphasized their concerns about the potential for burials near the Phase 9/10 areas. Therefore, the potential exists for the unanticipated discovery and disturbance of human remains during construction of Phases 9/10.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-4. Unanticipated Discovery of Human Remains**, shall be implemented. The measure stipulates that no further excavation or disturbance of the site or any areas that are reasonably suspected to overlie adjacent human remains will occur until certain conditions are met. The Inyo County Coroner will be informed immediately so that a determination whether the cause of death requires an investigation can be made. If the remains are of Native American origin, the Native American Heritage Commission (NAHC) will be contacted. The procedures in Public Resources Code section 5097.98 shall be followed to allow the Most Likely Descendant identified by the NAHC, LADWP, the qualified archaeologist, and the CSLC, to determine the treatment and disposition of

the human remains and any associated grave goods with appropriate dignity. If the remains are not of Native American origin, the Inyo County Coroner will make a determination in regards to disposition. Implementation of these measures will ensure that the unanticipated discovery of human remains is appropriately considered.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-5

Impact: **CR-5. Installation of Project facilities could result in disturbance of paleontological resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

All sediments within the Phase 9/10 Project areas have the potential to contain significant fossil materials. Therefore, the Project has the potential to directly destroy unevaluated, but potentially unique, paleontological resources or sites.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-5. Paleontological Resources Construction Monitoring Program**, shall be implemented. A qualified paleontologist shall be retained to implement a written paleontological monitoring plan for ground-disturbing activities. The plan shall be consistent with standards for monitoring, salvage, and recovery of unique paleontological resources established by the Society of Vertebrate Paleontology. Implementation of the paleontological monitoring plan will ensure that previously unidentified unique paleontological resources will be salvaged and treated appropriately.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

Exhibit E: Summary of Lease Amendments

Below is a summary of the amendments to Lease No. PRC 8079.9, which the Commission has approved to date.

Original Lease. Allowed the City to comply with dust mitigation requirements by installing a South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System on the leased premises ("Premises"). (Approved: 6/14/1999; Available at: http://archives.slc.ca.gov/Meeting_Summaries/1999_Documents/06-14-99/Items/061499C06.pdf)

First Amendment. Allowed the City to construct and operate a Shallow Flooding project on 13.5 square miles in the North Sand Sheet area of the Premises. (Approved: 6/27/2000; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2000_Documents/06-27-00/Items/062700C15.pdf)

Second Amendment. Permitted the implementation of the South Zone Dust Control Project on the Premises through the following dust mitigation measures ("DCMs"): (1) 6.4 square miles Managed Vegetation; (2) 1.7 square miles Shallow Flooding; and (3) approximately 40 acres Gravel Cover. (Approved: 11/26/ 2001; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2001_Documents/11-26-01/Items/112601C18.pdf)

Third Amendment. Authorized 154 acres of additional Shallow Flooding for the South Zone Dust Control Project. (Approved: 6/18/2002; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2002_Documents/06-18-02/Items/060802C05.pdf)

Fourth Amendment. Allowed additional Shallow Flooding on the Premises for Phases IV and V of the Owens Lake Dust Control Project. (Approved: 6/26/2006; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2006_Documents/06-26-06/Items/062606C24.pdf)

Fifth Amendment. Allowed additional Shallow Flooding for Phase VII of the Owens Lake Dust Control Project. This included the construction of earthen roads and berms, several miles of pipeline, and other equipment installations. (Approved 8/22/2008; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2008_Documents/08-22-08/ITEMS_AND_EXHIBITS/C05.pdf)

Sixth Amendment. Allowed two earthen berms, two access roads, and two barrier gates on the Premises for Phase VII of the Owens Lake Dust Mitigation Project. (Approved 6/1/2009; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/06-01-09/ITEMS_AND_EXHIBITS/C23.pdf)

Seventh Amendment. Authorized drip irrigation components for Phase VII of the Owens Lake Dust Control Project. (Approved 10/22/2009; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/10-22-09/ITEMS_AND_EXHIBITS/C17.pdf)

Eighth Amendment. Authorized sand fencing and irrigation facilities on area T1A-01 of the Premises. (Approved 12/17/2009; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/12-17-09/Voting_Record.pdf; Note: Recommendation modified; for actual approval, see: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/12-17-09/Minutes.pdf)

Ninth Amendment. Allowed: (1) the two new access roads; and (2) soil tillage of 3.12 square miles of land: (Approved: 6/28/2010; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2010_Documents/06-28-10/Voting_Record.pdf)

Tenth Amendment. Allowed 2.03 square miles of Gravel Cover on 2.03 square miles and roadway expansion. (Approved: 12/10/2010; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2010_Documents/12-10-10/Complete_Items/50.pdf)

Eleventh Amendment. Allowed the placement of above-grade sprinklers in the Channel Area and area T1A-1. (Approved: 1/26/2012; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2012_Documents/01-26-12/Items_and_Exhibits/C43.pdf)

Twelfth Amendment. Extended the deadline for performing the soil tillage permitted under the Ninth Amendment. (Approved: 6/21/2013; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2013_Documents/06-21-13/Items_and_Exhibits/C61.pdf)

Thirteenth Amendment. Permitted DCMs on 3.1 square miles of the Premises and transitioned DCMs on 3.4 square miles of the Premises. (Approved: 9/20 2013; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2013_Documents/09-20-13/Items_and_Exhibits/C82.pdf)

Fourteenth Amendment. Allowed the City to create a stockpile area on the Premises to store aggregate road base material. (Approved: 4/23/2014; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2014_Documents/04-23-14/Items_and_exhibits/C55.pdf)

Fifteenth Amendment. Allowed the City conserve water by converting 4.12 square miles from Shallow Flooding to tillage with best available control measure backup. (Approved: 9/2/2014; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2014_Documents/09-02-14/Items_and_exhibits/02.pdf)